

MINUTES

Montana Fish and Wildlife Commission Meeting

Montana WILD – 2668 Broadwater – Helena, MT

December 7, 2017

Commission Members Present: Dan Vermillion, Chairman, Richard Stuker, Vice-Chairman, Tim Aldrich, Shane Colton and Logan Brower

Fish, Wildlife & Parks Staff Present: Martha Williams, Director and FWP Staff

Guests: December 7, 2017 – See Commission file folder for sign-in sheets.

Topics of Discussion:

1. Call to Order and Pledge of Allegiance
2. Approval of Minutes from the November 7, 2017 Commission Meeting
3. Approval of Commission Expenses
4. Commission Reports
5. Director's Report
6. Petition to Repeal ARM 12.11.3110 Cromwell Channel No Wake Zone on Flathead Lake
7. Donation of Property from Carbon County for Development as a Fishing Access Site (R5) – Final
8. Captain Clark Fishing Access Site Road Acquisition (R5) – Final
9. Fishing Access Site Acquisition on Beaverhead River at Selway Bridge (R3) – Endorsement
10. Fishing Access Site Acquisition on Prickly Pear Creek Near Clancy (R4) – Endorsement
11. Fishing Access Site Acquisition on the Yellowstone River Near Columbus (R5) – Endorsement
12. Montana Department of Transportation Property Exchange for Bridge Replacement at the Varney Bridge Fishing Access Site (R3) – Endorsement
13. Fishing Regulation Proposed Changes - Proposed:
 - Newlan Creek Reservoir Kokanee Salmon Snagging Season (R4)
 - Canyon Ferry Reservoir Walleye Harvest (R4)
14. West Fork Bitterroot River Recreation Rules Restricting Commercial and Non-Commercial Use (R2) – Final
15. West Kootenai Wildlife Management Area Salvage Logging Project (R1) – Final
16. Timber Gulch Right of Way Access Easement (R3) – Final
17. Criteria for Exception on Ban on Ungulate Urine from Chronic Wasting Disease Positive States (per SB173) - Proposed
18. 2018/2019 Helena Urban Deer Plan Quota Ranges and Quota – Proposed
19. 2018/2019 Deer Hunting Seasons and Hunting District Boundaries – Proposed
20. Expansion of Youth Deer Hunt - Proposed
21. 2018/2019 Elk Hunting Seasons and Hunting District Boundaries – Proposed
22. 2018/2019 Antelope Hunting Seasons and Hunting District Boundaries – Proposed
23. 2018/2019 Moose/Bighorn Sheep/Mountain Goat/Bison Hunting Seasons and Hunting District Boundaries - Proposed
24. 2018/2019 Black Bear/Mountain Lion/Wolf Hunting Seasons and Hunting District Boundaries – Proposed
25. 2018/2019 Biennial Quota Ranges – Proposed
26. 2018/2019 Turkey/Upland Game Bird/Migratory Birds Regulations and Quotas – Proposed
27. 2018/2019 Hunting District Boundaries – Proposed
28. 2018/2019 Hunting Season Dates – Proposed
29. 2018/2019 Game Damage/Management Season/Wildlife Health/Chronic Wasting Disease Hunts Quota Authorizations – Proposed
30. Bridger Special Chronic Wasting Disease Hunt – Final
31. Public Comment – For Issues Not On This Agenda -Adjournment

1. Call to Order – Pledge of Allegiance

Chairman Vermillion called the meeting to order at 8:31 am and led the Pledge of Allegiance.

2. Approval of Minutes from the November 7, 2017 Commission Meeting

Motion: Vice-Chairman Stuker moved and Commissioner Brower seconded the motion to approve the November 7, 2017 meeting minutes. Motion passed. 5-0.

3. Approval of Commission Expenses.

Motion: Commissioner Colton moved and Commissioner Brower seconded the motion to approve the November Commission expenses. Motion passed. 5-0

4. Commission Reports

Commissioner Colton reported that rifle season is winding down; decent harvest in Region 5 and 7; topic of discussion in Region 5 has been Chronic Wasting Disease (CWD) and how are we going to move forward in that process; we have a good team on it and he is encouraged with the response; couldn't have a better group of folks working on CWD in Region 5 to handle it; crisis well managed.

Commissioner Brower reported it has been a pretty mild season in northeastern Montana; the deer season went well; lots of hunters out; bird numbers are down mostly because it was a dry season; attended the Region 6 December meeting; CWD was a major concern, what the hunt will look like in the southern part of the state and north of Havre, and what the hunt will look like next season; news of the new 6-digit log in fobs for computer access for a two-factor identification threw people for a loop; looking for an expert to clarify muzzle loading regulations on page 15 of the regulations to help answer a couple of questions on what is legal.

Commissioner Aldrich stated there has been a lot of interest in different things in his household; trapping rules and regulations, equipment and setbacks; still worried about the kind of tackle used to catch fish; currently are using barbless, single and unbaited types of things. Had an opportunity to meet with some ranchers in the Blackfoot country where they have a lot of white-tailed deer that are expanding in population and spending a lot of time in the ranchers' freshly planted and irrigated alfalfa crops. Everyone is interested and worried about CWD; Region 2 Citizen Advisory Council (CAC) meeting featured a presentation on CWD by one of the Department veterinarians that generated a lot of questions; it was a very worthwhile endeavor. Supplemental game damage hunts going on in Region 2; elk and deer seem to be in places where we don't want to have them, Region 2 is doing an excellent job in dealing with the problem. Had a good harvest in Regions 1 and 2; there's a slight trend in reduced numbers of hunters in both regions; interesting things going on and some interesting dynamics.

Vice-Chairman Stuker stated there are game damage hunts in Region 4. CWD was found north of Chester; hunters are looking for more antelope and deer tags around the Chinook area. Attended a meeting in Chester regarding Tiber Reservoir and mussel issues; the Region 4 staff did a very good job of answering questions; there was a lot of concern about the Local Boater rules and how to streamline those a little more. Spoke at a grazing meeting, one question dealt with the farmer in North Dakota who shot 20 deer because they were damaging his crops; told him to talk to the Department about damage hunts, do that rather than going out and risking a large fine. Received a letter from a trapper who feels the Department is not living up to what was agreed on at the June Commission meeting. Received a call from two Meagher County Commissioners with concerns regarding a game warden who is being investigated; told them to talk with the Department as the Commission does not get involved in personnel issues; he later heard that they did speak with Director Williams. Individuals have asked about feral hogs coming out of Canada and are worried as the hogs are very destructive, need to keep them out of the state.

Director Williams responded to Vice-Chairman Stuker. She had just visited with John Stueber of Wildlife Services about feral hogs; they flew for over five hours where there was a report of sightings, but Wildlife Services did not see them or see any signs of them; the Department has heard the reports and are being vigilant and on the lookout.

Chairman Vermillion reported in Region 3 there are similar concerns about CWD; lucky we have a Department that is being proactive; working to get a handle on this; if you don't get it stopped early, you can't turn that train around; will hear more about that today. Mark Deleray is the new Region 3 Supervisor; he was formerly the Fisheries Manager in Kalispell; looking forward to working with him. A lot of phone calls about the public lands issue; lot of concern about monuments across the West; hunters and anglers really do care about public lands; glad we have the Governor we do and one Senator who care about public lands. Concern about Dome Mountain that was endorsed by the Commission this summer; trying to get a good outline about where we are on some of these lands projects; maybe in February we could have a report and revisit where we are with some of these projects.

Darlene Edge, Lands Section Supervisor, spoke with Mike Mueller with the Rocky Mountain Elk Foundation (RMEF) yesterday; they are planning on making an offer to the landowner and it would be less than what the asking price is; putting the proposal together now.

Director Williams said it sounded like it would be helpful to have a report to the Commission on lands projects in February.

Chairman Vermillion stated he has gotten calls on tackle issues on the Bitterroot, whether single hooks or barbless hooks are used, need to somehow limit some of the impact on fish after they are put back in the water; it's a question of the condition the fish are in after they get "fished," this is something the Commission and Department have discussed and a topic that will hopefully be re-visit next summer when reviewing fishing regulations. Several calls about shoulder seasons and inclusion or not inclusion of State sections and how that works; apparently during the shoulder season there is confusion about limitations on public lands as it pertains to shoulder seasons, whether it's just Forest Service lands or State Lands as well; looking at a proposal today that will qualify as it relates to State Lands and some of the shoulder seasons.

5. Director's Report

Director Martha Williams reported the Department has some new hires: Beth Shumate is an internal hire as the Parks Division Administrator, she is very energetic and excited to have this opportunity; Greg Lemon is the new Communication and Education Division Administrator.

6. Petition to Repeal ARM 12.11.3110 Cromwell Channel No Wake Zone on Flathead Lake

Chairman Vermillion stated that he is going to limit comments to three minutes per person; will have a lot of public comment and wants to get through this as expeditiously as possible.

Phil Kilbreath, Enforcement Division, Recreation Manager, explained Rick Stapleton submitted a petition requesting to repeal Administrative Rule of Montana (ARM) 12.11.3110 which limits the Cromwell Channel no wake zone located on Flathead Lake. The petition states the repeal is necessary to address safety concerns caused by confusion and many boats congesting the channel and that a 200 foot from shoreline no wake zone already exists under ARM 12.11.115 and is enforceable; letters of support from property owners and boaters who use the channel were submitted with the petition. Last fall, a petition was submitted by Wayne Hebert requesting an 800-foot-long no wake zone through the narrowest section of the Cromwell Channel; letters of support were also included with that petition, including a letter of support from the Confederated Salish and Kootenai Tribes (CSKT). The Commission imitated rulemaking, and after the public comment period, adopted the new rule, which went into effect on May 27, 2017. The public has not had an opportunity to review or comment on the petition requesting to repeal ARM 12.11.3110; if approved by the Commission, rulemaking processes would be initiated that would include public involvement. The Commission is required to either deny the petition or initiate rulemaking. If the Commission denies the petition, the regulation of the water body listed in the petition will remain as it is currently; if the Commission initiates rulemaking, the process for rulemaking under the Montana

Motion: Commissioner Aldrich moved and Commissioner Colton seconded the Commission deny the petition submitted by Rick Stapleton requesting to repeal ARM 12.11.3110 that limits the Cromwell Channel to a no wake zone at its narrowest section approximately 800 feet in length as marked by buoys.

Vice-Chairman Stuker asked if, in the Department's opinion, safety concerns have gotten worse since we put the 800-foot restriction in this last spring, or have they stayed the same, or have they gotten better?

Lee Anderson, Region 1 Warden Captain stated that it's a difficult thing to assess; with the no-wake zone through the narrow part of the channel, it's a slower speed so that does address some of those concerns. He believes the petitioner's concern had to do with safety issues when people have to turn around prior to entering the no-wake zone; doesn't know if that's more of a safety issue than just traveling through at a wake speed; did have challenges with the new regulation and the public understanding it, as well as it being a large area; did place some large buoys in there and one of them was stolen; did not have an increase in boat accidents, that was one of the concerns from the original petitioner who asked the Department to move the buoys out a little further after they were initially placed because of the boat wakes it created

Jim Vashro, Kalispell, represents Flathead Wildlife stated he testified against the original petition for the no-wake zone; argued the petitioner had not presented any evidence of erosion or how fast the erosion was occurring; or most importantly how much erosion was from boats rather than from wind or waves or currents; the other concern was adopting a no-wake across an 800 foot channel would imply the 200 foot from shore no-wake zone was not adequate to guard against shoreline erosion and that sets a bad precedent for the rest of the Western district; need support this petition to remove it and if there seems to be a problem, there needs to be a lot more due diligence to see if this 800 foot no-wake zone really addresses the problem and deferring to the Shoreline Protection Board abdicates due diligence and responsibility.

Chairman Vermillion asked for other comments.

Action on Motion: Motion passed. 5-0

Vice-Chairman Stuker asked the Department in future years to address the safety issue to see if it is worse than in the past, and address the concerns about the erosion so we know whether for sure this is happening or if the petition was due to some property owners along the side; the safety issue is the biggest concern as there were a lot of comments in that regard.

Kilbreath stated he could speak to the fact that gathering more data on these things is definitely a priority and commit to do that in the future; his only caution is that when it comes to things like shoreline erosion or safety, it is quite challenging to come up with a way to quantify that; shoreline erosion is caused by boat wakes, but also happens from wind, storms and ice; try to take photos of these things; can get anecdotal information from folks and analyze boat accidents; it can be very difficult; will do this as much as possible; just wants to preface that it is sometimes difficult to quantify these things.

Vice-Chairman Stuker stated he understands; just wants the Department to do the best it can with the resources they have.

Chairman Vermillion stated that this is the first year of this no-wake zone, so it should theoretically get better with the public's knowledge and awareness of it and understanding how to interact with the new set of buoys; hopefully in 2018 the situation will improve over time and if it doesn't, the Commission will have to take another look at it.

Rick Stapleton, Petitioner, understands that the Commission has already voted on this, but would like to speak on the no-wake buoys; lived on the Cromwell Channel for over 30 years and has a complete view of the channel from his home. He filed this petition to convince the Commission that the original petition to place no-wake buoys was a rush to judgment without all the proper facts and proper notification to local property owners and long-term users of Cromwell Channel; this is evident by the dozens and dozens of letters submitted with his petition. The original petition indicated a problem with lakeshore erosion due to watercraft, watercraft hindering wildlife and an interference with a ferry. The ferry, which existed 30 years ago, has been long gone. If Mr. Hebert, the original petitioner, was referring to the barge owned by Ann Lee for transportation to and from the island, letters from the operators of the barge are in opposition to the buoys which are included with

his petition. Ann Lee, the owner of Cromwell Island, who was never contacted with the original petition by Mr. Hebert or anyone else, also disapproves of the buoys. Every other lakeshore landowner concerned about erosion has spent a great deal of time, money and effort to erect either seawalls or place rip rap and these construction efforts were permitted, suggested and approved by Lakeshore Protection. The original petitioner, a recent purchaser of lakeshore property and a land developer, has made no effort to place rip rap or build a seawall, and thought that making boats go slower would prevent waves from eroding his gravel shoreline. During a 30-year period, my shoreline and my seawall has only received damage from huge storms that occur each season and never from boat waves, until this Fourth of July weekend, 2017, and this was due to the unusually high boat traffic circling outside of the buoys creating larger waves than ever before by boats. This is evidenced by damage to his seawall that is now falling into the lake as we speak. There was a great deal of confusion caused by buoys that were placed in what has always been a thoroughfare. It blocks their view of what could be downed skiers or jet skis or people on the outskirts of the buoys. In the past 30 years, he's not aware of or has ever witnessed an accident or even a close call within the channel prior to the buoys. Because of this confusion, it's his strong belief that it's inevitable there will be an accident with possible injuries, or fatalities, due to the extreme confusion, unusual circumstances and strange configuration unlike any other thoroughfare on Flathead Lake. The original petitioner indicated to the Tribe and to the Commission that he had contacted many of the landowners in the area and had their approval. This could not be further from the truth; 13 letters that were accompanied with the original petition only included two or three landowners and many of the letters were from sail boat owners who rent slips in the Dayton Marina. Because of Mr. Hebert's disdain for power boats, he purposely neglected to contact any of his neighbors who may own power boats; his hatred for power boats became obvious this past summer, when both he and his wife stood on the shoreline screaming and yelling while displaying foul hand gestures. The Commission should be made aware that there is also a real estate listing for a piece of property adjacent to Cromwell Channel. It lists one of its many valuable assets to be "in the no-wake zone of Cromwell Channel"; the magazine real estate listing also has a detailed aerial map of the no-wake zone; this property is for sale by Mr. Hebert himself and this is a strong indication of Mr. Hebert's motivation for the original petition was for personal gain and had nothing to do with his concern for erosion, the wildlife or public safety. If the Commission decides not to take his petition to ruling, he can only hope the buoys in question are removed during a complete study and review to protect all parties involved from future legal liability. It sounds like the Commission has already voted; he was going to ask if the Commission had any questions, but the questions wouldn't change anything. He would just like to see something done to either take what has been placed in an unusual fashion, and find out a way to enforce it. The public that lives nearby or the public that visits the channel, should not be confused by a buoy sitting out in the middle of nowhere, that only says Slow-No Wake. He has put a great deal of effort into this petition and has been contacted by well over 100 neighbors, many of which have given me letters of support that the Commission has in their possession. He has lived there for over 30 years, and one individual came in, and within one year came to the Commission and the Tribe with complete untruths so he could acquire this and completely mislead you; he has come in and bamboozled the Commission and the Tribe into thinking that he is concerned about public safety, when he is putting together his own personal agenda.

Chairman Vermillion thanked the petitioner for putting this together; the Commission has already voted to deny the petition; the Department is hopeful this year will work out more effectively; may re-visit at a later date.

Stapleton stated there are going to be a lot of residents who will not accept this and will not heed it.

Chairman Vermillion explained the Commission will leave that up to Region 1 and its' Enforcement staff, and the users of the lake

7. Donation of Property from Carbon County for Development as a Fishing Access Site (R-5)

Eileen Ryce, Fisheries Division Administrator, stated Carbon County offered to donate approximately 1.5 acres of property located along the Clarks Fork of the Yellowstone at Edgar for development as a fishing access site (FAS). This property is bordered by a county road, the river and an abandoned county bridge access road, which provides good access to this parcel while providing a separation from a neighbor's property. This site will provide public access to a long section of the Clarks Fork River that currently has no public access. The closest fishing access to this site are located 26 miles upstream on the Clarks Fork River and 26 miles downstream on the Yellowstone River, 4 miles downstream of the confluence of the Clarks Fork and Yellowstone rivers. The only development proposed is a small parking area off the county road and a gravel boat ramp. The draft Environmental Assessment (EA) was circulated for public comment from July 13 to August 21, 2017 to interested agencies, groups and persons; the EA was also posted on the Fish, Wildlife & Parks (FWP) website; no comments were received on the EA although it does have the support of the local community; the only request from the county is that FWP name it Wildcat FAS representing the Edgar school mascot and team name. This site would provide much needed river access for anglers, recreational floaters and waterfowl hunters, as well as for members of local communities on a long section of river that currently has no public access. Improvement of fish passage on the Clarks Fork River has been identified as a key project for fisheries mitigation dollars from the Yellowstone River oil spill. Improved fish passage that provides better access for Yellowstone River fish to the Clarks Fork should improve this fishery resulting in increased access demands on the river. By accessing the river at the bridge, people would be forced to park along the county road creating a traffic safety hazard as this road is used heavily by farm equipment and semi-trucks. In addition, accessing the river at the bridge would accelerate degradation of the streambank causing erosion and further sedimentation of the river.

Motion: Commissioner Colton moved and Commissioner Brower seconded the Fish and Wildlife Commission approve FWP's request to accept Carbon County's offer of approximately 1.5-acres of land along the Clarks Fork River near Edgar for a new fishing access site.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed. 5-0.

8. Captain Clark Fishing Access Site Road Acquisition (R-5)

Eileen Ryce, Fisheries Division Administrator, explained the Captain Clark FAS is located on the Yellowstone River approximately 40 miles east of Billings and was acquired in 1965. The site has a concrete boat ramp, an accessible fishing pier and allows for overnight camping. This is a popular site, with use estimated to be around 13,000 visitors annually. The access road is approximately a mile long. The last .3 miles of the road borders a backwater slough that became an active channel several years ago, when a gravel bar began forming in the river at the mouth of the slough; because of the gravel bar, water is being directed down the slough during periods of high flow causing erosion of the river bank resulting in loss of the access road. The road provides the only land access to this site and can't be relocated without encroaching on adjacent private land. The adjacent landowner is agreeable to selling a small parcel of land (less than one-acre) that would allow FWP to relocate approximately 1,000 ft. of the access road safely away from the river. The cost of this parcel is expected to be about \$2,800. A draft EA was circulated for public comments from July 27 to August 9, 2017 to interested agencies, groups and persons; the EA was also posted on the FWP website; due to a request received during the comment period, the public comment period was extended until August 24, 2017; in addition to the request to extend the comment period, three emails and one written comment were received; all comments were in favor of the proposed action. ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvements to fishing access sites. The chosen option, of acquiring property to move the impacted section of the road, had the least impact and the highest probability of success. Alternatively, an engineered bank stabilization project that would prevent further erosion of the stream bank was also considered. Due to a combination of factors including the estimated high-cost of the project (more than \$100,000), the negative impacts of hardening the stream bank and the uncertainties of obtaining the required permits made it a less desirable option.

Motion: Commissioner Colton moved to approve and Vice-Chairman Stuker seconded FWP's request to purchase the .8-acres of land for realigning a portion of the access road into the Captain Clark FAS.

Chairman Vermillion asked for comments from the Commission or members of the public.

Action on Motion: Motion passed. 5-0

9. Fishing Access Site Acquisition on Beaverhead River at Selway Bridge (R-3)

Eileen Ryce, Fisheries Division Administrator, explained Montana Department of Transportation (MDT) contacted FWP inquiring if the Department was interested in a small parcel of land (4.79 acres) within the Dillon city limits for an FAS. The parcel is located on the Beaverhead River at the Selway Bridge. Currently the site is used on an almost daily basis by local anglers to access the river. Information provided by MDT shows the property has a pioneered access road, parking area and boat launching site. Historically, MDT has not charged FWP for these sites but typically issues us a no-cost lease or a Recreation Use Permit in exchange for FWP's management of the property. Currently there has been no public involvement. If endorsed by the Commission, FWP will begin its due diligence process including development of an EA.

Motion: Vice-Chairman Stuker moved and Commissioner Aldrich seconded to approve FWP's request to proceed with its due diligence process in evaluating the potential acquisition of this MDT parcel for development of an FAS.

Chairman Vermillion stated that this is a great opportunity for Region 3, as this is a part of the state where we struggle to get FASs; wondering if there are other places where MDT has similar pieces of land in Region 3 that would be a good opportunity to start opening access sites

Ryce said explained the Department is actively engaging with MDT; there was legislation drafted in the last session that would formalize the process between MDT and the Department for FASs on MDT properties.

Director Williams said it is one of the helpful pieces that Rachel VandeVoort, the Director's Office of Outdoor Recreation, has set up some of those meetings and the Department is actively looking at maps and pursuing other options; super important.

Chairman Vermillion asked for public comment.

Nick Gevock, Montana Wildlife Federation (MWF), any time you are putting resources towards FASs, you want to look for those significant gaps in the rivers; agrees with comments about MDT; strongly support this endorsement and most of these are strategically located in great places.

Action on Motion: Motion passed. 5-0

10. Fishing Site Acquisition on Prickly Pear Creek near Clancy (R4)

Eileen Ryce, Fisheries Division Administrator, explained this project is the potential acquisition of a nearly 50-acre lot located 1.5 mile north of Clancy, and 8.5 miles south of Helena, on Prickly Pear Creek. It is a long linear property with approximately 80% of it being riparian habitat and 0.8 miles of creek frontage flowing through the lot. It also has two small man-made ponds (old gravel pits) that don't currently support a fishery but at least one of them has the potential to be developed into a viable fishery at some time in the future. The current property is part of a much larger parcel that is already subdivided for home development. The estimated value of the property is likely \$250,000 - \$300,000, but the exact value will be unknown until an appraisal is completed. Montana Fish and Wildlife Conservation Trust (MFWCT) has expressed an interest in acquiring the property and turning it over to FWP for management as an FAS. FWP would take on the responsibility for development and management of the property. The old frontage county road provides access to the property and will subsequently also provide access to future homes in the subdivision. The stream is too small and shallow for floating, so fishing would primarily involve wade angling. Development of the FAS would consist of a small parking lot, signage and potentially a vault latrine. Currently there has been no public

involvement. If endorsed by the Commission FWP will begin its due diligence process including development of an EA which includes public notification and a 30-day comment response period.

Motion: Commissioner Brower moved and Commissioner Aldrich seconded to approve FWP's request to proceed with its due diligence process in evaluating the potential acquisition of this 50-acre parcel for development of an FAS.

Commissioner Colton stated he hopes we can access the trust money, a spendy parcel.

Chairman Vermillion asked where the nearest interstate access is?

Ryce stated there is just a frontage road in this area.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed. 5-0

11. Fishing Access Site Acquisition on the Yellowstone River Near Columbus (R5)

Eileen Ryce, Fisheries Division Administrator, explained this is a high priority access point on the Yellowstone River west of Columbus providing strategic access where there is currently 13.2 miles between two existing FAS's. This river reach has a good trout fishery and receives a large amount of public use from both anglers and recreational floaters. A creel study conducted in 2007 estimated over 36,700 angler hours of use in this reach of the river with a majority of this use coming from anglers launching or taking out at this pioneered access. Public use of this river reach has increased significantly in the past 10 years. This site has been a concern because the existing pioneered access is located at least partially within the BNSF Railway right-of-way with no formal public access agreement with the railroad. For liability reasons, it is also unlikely BNSF would be willing to formalize public access at the current location because of its proximity to an active railroad line. Future public access at this site is at a considerable risk of being lost. The benefit of acquiring this 13.45-acre property is it offers the advantage of moving the pioneered boat launch out of the railroad right-of-way to a site located on this property immediately downstream of the county road bridge. Because the railroad tracks bisect the length of the property they essentially cut off any potential overland road access to the larger portion of the property on the other side of the tracks. However, if the property were acquired by FWP that parcel would be legally accessible to wade anglers, motorboats launching from the proposed boat ramp location as well as floaters accessing the property from an upstream location. The remaining acreage accessible from the county road is sufficient for development of an access road, parking area and boat ramp. The asking price is \$59,900. Currently there has been no public involvement. If endorsed by the Commission, FWP will begin its due diligence process including development of an EA, which includes public notification and a 30-day comment response period.

Motion: Commissioner Colton moved and Commissioner Brower seconded to approve FWP's request to proceed with its due diligence process in evaluating the potential acquisition of this 13.45-acre parcel for development of an Fishing Access Site.

Commissioner Colton stated this has always been a high priority for Region 5. It is difficult to get a boat in and out of there and it is not a safe situation. Applauds the Department and Region 5 for getting in a position where there might be an opportunity. It's a great section of river, especially late in the season; the fish seem to move down there for some reason.

Chairman Vermillion stated he agrees with Commissioner Colton's remark. He thinks this will be an exceptionally popular project; people are going to appreciate this. As the Yellowstone gets busier and busier, that part of the Yellowstone is untapped as far as use and this will improve people's opportunities and it's also a pretty good smallmouth bass fishery. This is a dual species opportunity.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed. 5-0

12. Montana Department of Transportation Property Exchange for Bridge Replacement at the Varney Bridge Fishing Access Site (R3)

Eileen Ryce, Fisheries Division Administrator, explained the Montana Department of Transportation (MDT) has notified FWP that it intends to replace the Varney Bridge because it's functionally obsolete, the low deck and freezing conditions in the winter create ice issues at the FAS and its weight limit hinder emergency or larger vehicle passage. Varney Bridge spans the Madison River approximately 8-miles south of Ennis and borders the Varney Bridge FAS on its northwest corner. The new bridge is to be constructed wider, longer, and higher. The wider bridge will have two lanes and is designed to accommodate safe pedestrian travel; the bridge footings will necessitate MDT taking .05-acres of the FAS at the tip of the northwest corner of the site and convert it into bridge right-of-way; modern design standards require the new guardrails to extend past the existing FAS approach which will block vehicle access into it. To mitigate the loss of the existing approach and the .05-acres, MDT will purchase approximately 0.385-acres and create a new approach into the site; the approach will be wider and have improved site distances making the access safer; it is also anticipated that the higher bridge will diminish icing issues at the FAS. MDT and FWAHA (Federal Highway Administration) are in the process of completing the National Environmental Policy Act (NEPA) categorical exclusion for the Varney Bridge replacement. Upon receiving the Commission's approval, FWP will prepare and file an EA that will not be released for public comment; the Department's EA will refer to the MDT public processes. Federal law requires MDT to consider all feasible and prudent

alternatives; through this process MDT must demonstrate there is no feasible and prudent avoidance alternative, and must minimize harm to the property.

Motion: Commissioner Brower moved and Commissioner Colton seconded that the Commission authorize the Department to pursue disposal of .05-acres of property at the Varney Bridge FAS in exchange for .385-acres to accommodate the new bridge construction.

Chairman Vermillion stated he was not sure of the timeline for the construction project. This is an incredibly important FAS on the Madison River. Hopefully, there will be a lot of thought to minimize the impact to access to the site during the summer months.

Chairman Vermillion asked for public comments.

Action on Motion: Motion passed. 5-0

13. Off-Cycle Fishing Regulation Changes for 2018 Fishing Regulation Proposed Changes

Eileen Ryce, Fisheries Division Administrator, explained the fishing regulation process is based on a four-year cycle, where the first year of each cycle is dedicated to actively soliciting ideas for changes from the public. During the following three years of the cycle ("off-cycle" years), ideas are only solicited internally from FWP biologists, fish managers and enforcement personnel. Proposals developed during off-cycle years are proposed to the Commission only if they meet certain criteria: achieve certain enforcement needs, provide clarification for regulations, are important for the conservation of a fish species, are making changes to regulations no longer relevant, or fulfill direction provided in management plans. The fishing regulation proposals for 2018 are an off-cycle year; the next year with full public involvement will be 2020. The Commission already approved a package of regulation changes for 2018 at their October 2017 meeting. Two additional changes are proposed here that were unanticipated at that time. The requested changes are as follows:

- Canyon Ferry Reservoir (includes the Missouri River below Toston Reservoir up to Canyon Ferry): Change the current 12 daily walleye limit to 20, with one over 20 inches and 40 in possession; the 20 inches is moved down from currently 25 inches.
- Newlan Creek Reservoir Region-4: Allow for snagging of Kokanee Salmon October 1 through October 31; with a daily limit of 35 and 70 in possession. Because these salmon die after spawning, snagging offers one last opportunity for anglers to utilize these stocked fish.

After the proposals are approved or changed by the Commission the Department will allow a 30-day public comment period. Following public input, the tentatives will be revised if necessary, and final proposed regulations will be submitted to for Commission at the February Both regulation changes are based on the management plan criterion (managing a put-grow-take fishery on Newlan Creek Reservoir per the Statewide Fisheries Management Plan, and responding to management triggers for walleye established in the Upper Missouri River Reservoirs Management Plan 2010-2019). Adoption of these regulations will occur too late for inclusion in the 2018 Montana Fishing Regulations booklet, and therefore public notification of the regulations will be done by means of signage posted at public access points on both reservoirs.

Motion: Vice-Chairman Stuker moved and Commissioner Aldrich seconded to adopt FWP's proposed regulation changes for the 2018 fishing season and that all other aspects of the regulations remain unchanged.

Chairman Vermillion asked if the Canyon Ferry and the Upper Missouri River Management Plan were put together by a variety of users; an agreement between trout, perch, walleye fishermen and the Department and some federal partners, as it relates to triggers and how they were hit.

Ryce stated that is correct. There was a very long process in developing the management plan which included multiple interested groups including Walleyes Unlimited, Trout Unlimited, and members of the communities impacted. Eric Roberts, the area biologist, can answer more specific questions.

Chairman Vermillion stated he doesn't understand how dropping the slot limit from 25 to 20 improves the overall size of the fisheries. It seems like that would increase the impact on the fish that are on the cusp of becoming bigger, rather than harvesting once they hit 25.

Eric Roberts, FWP Fish Biologist, explained the rationale for lowering the slot limit is to honor our anglers' desire to maintain a trophy component of the fishery; maintain the numbers of larger fish out there. There is a good spawning stock, there is more and more small fish year after year; want to keep the harvest concentrated on those small fish and to try to protect our larger classes of fish.

Chairman Vermillion asked if people want a 20 to 25-inch fish or do they want to get them larger than that?

Roberts explained a true trophy fish is closer to 30 inches. Once you start getting into the 25-inch fish, they are considered memorable sized fish and are difficult to catch. Raising the bag limit from 12 up to 20, there's a higher probability more anglers are going to run across more fish in the larger sizes; want to preserve our larger size fish.

Chairman Vermillion stated it seems like there is a huge group of four-year-old fish that are about 20 inches; assumes the prognosis for fishing in Canyon Ferry is positive over the next few years.

Roberts stated yes, that is part of the reason why the Department chose the 20-inch range; expect these fish to recruit into the larger size and they are large cohorts of fish. According to the plan, there are too many walleye to manage for all the other species, and that is why the Department wants to concentrate on fish less than 20 inches.

Vice-Chairman Stuker asked if it is true that below the dam there is an unlimited limit on walleye?

Roberts stated yes, that is correct.

Vice-Chairman Stuker stated Region 4 at one time recommended 20, and it was changed to unlimited. He's heard there is hardly any walleye left below the dam; is that true?

Roberts explained that is outside my biologist management area. Grant Grisak or someone in Region 4 would be better able to answer that.

Chairman Vermillion asked for public comment.

Dale Gilbert, Walleye Unlimited (WU), stated he was told this fall by a biologist in Great Falls, when biologists electro-fished below Holter, the numbers of walleye are significantly down from what they have been in years past. Commends the Department and Commission for considering changing the fishing regulations at Canyon Ferry, the situation today is the pits. Over 90 percent of the fish are less than 15 inches; only 2.9 or 3 percent of the fish in nets are over 20 inches; 15 to 20 is considered by most walleye fishermen as a quality fish, anything over, 28 to 30 is considered a trophy. The concern with the 20-fish limit is we had this before; it was done then to suppress the walleye population; not having one over 20 and there are so few of them now, is that enough? Would like the Department to reconsider revising the rules and regulations more often than every four years. Has seen the fishing pressure at Canyon Ferry go from 83,000 angler days to 133,000 angler days and drop back to 95,000 angler days from 2009 to 2015, and that roughly reduction of 40,000 angler days.

Action on Motion: Motion carried. 5-0

Chairman Vermillion stated at the final meeting in February, he would like to know what happens next in Canyon Ferry with the triggers, for example if the slot limit doesn't change, what is the next step that the management plan calls for.

Ryce stated at the February meeting, the Department will give the Commission more information on the regulations process, as well as addressing the next steps for Canyon Ferry. The four-year cycle involves a very extensive public process that lasts about a year. That is why the process is only every four years, but changes to the regulations can be made annually.

14. West Fork Bitterroot River Recreation Rules Restricting Commercial and Non-Commercial Use (R2)

Pat Saffel, Region 2 Fisheries Manager, presented the final proposal for the rules and gave lengthy background information. FWP was engaged by the Bitterroot National Forest regarding rising use on the West Fork of the Bitterroot River, something supported by FWP's angler pressure data. On-site surveys were then conducted from 2014-2016 and indicated that much of the use (77%) was commercial and very little was non-commercial (10%), and (13%) not taking part in the survey. On-site surveys showed commercial users being mostly satisfied, but non-commercial users less so and much lower in number. Subsequent mail surveys showed that 69% of licensed anglers from Ravalli County had been displaced from the West Fork and 74% from the Upper Bitterroot, primarily due to too much floating and outfitter use. Wade anglers were a significant part of the displaced anglers from the West Fork. Previous on-site surveys confirmed the float use being primarily commercial. Region 2 FWP convened with the Bitterroot River Recreation Advisory Committee (BRRAC) on how to manage use on the Upper Bitterroot and West Fork. The Committee met on five separate occasions and came to consensus in developing this recommended action:

- Implement a permit system to establish a cap on number of float outfitters on the upper Bitterroot and West Fork of the Bitterroot.
- Restrict commercial floats to two floats per day per designated section of river: 1) Painted Rocks Dam to Applebury, 2) Applebury to Job Corps, 3) Job Corps to Hannon Memorial FAS, and 4) Hannon Memorial FAS to Wally Crawford FAS.
- Designate a day of the week as non-commercial use only from June 1-September 15 as follows: Friday, Saturdays, Sunday, and Monday for sections 1-4 respectively.
- No floating will be allowed on Fridays from the Dam to Applebury from July 1-September 15.

The proposal went out for public comment from September 13 – October 13; the comment period included three public hearings; 155 comments were received: 55% were in support of a regulation, 35% were opposed; those in support did so in part because it increased opportunities for non-commercial anglers; those opposed felt this unfairly targeted outfitters and would negatively impact the economy. During the process, there was confusion on the meaning of the two floats restriction; language has been included in the rule to clarify "float".

Eileen Ryce acknowledged Dr. Christine Oschell, FWP Region 2 River and Recreation Program and is a recognized expert in recreation management, is in attendance and can answer any questions.

FWP recommends adopting the rule with a clarification on the meaning of two floats per section per outfitter per day. This proposal will spread use out on the river easing crowding issues. It will allow non-commercial users a day per section to use the river without commercial entities. It will allow wade anglers one section per week of use without floaters and finally this will allow for collection of important use information moving forward and will not allow for unchecked commercial growth on the upper river and West Fork. A monitoring plan to evaluate the efficacy of these changes will be implemented if the rule is adopted, including monitoring traffic, conducting brief surveys at access sites, and identifying/counting boats in sections under the regulation and downstream from the regulated area.

Motion: Commissioner Aldrich moved and Commissioner Brower seconded the Commission adopt the rule proposal with the Department's clarification as presented.

Becky Dockter, FWP Chief Legal Counsel explained there is an alternate proposal for a motion on the table for the Commission that includes the approval of the Management Plan as well, which is required by the River Recreation Rules; just wants to propose that perhaps that is the motion the Commission wants. The Commission can also take a separate motion for the Management Plan or amend the one just made.

Chairman Vermillion recommended making an amended motion.

Amended Motion: Commissioner Aldrich moved and Commission Brower seconded to amend the motion that the Fish and Wildlife Commission adopt the rule with clarification and the Management Plan as presented.

Vice-Chairman Stuker asked Saffel about public comments; one person who commented talked about US Forest Service (USFS) rules, they are different from FWPs; will the USFS dovetail with whatever the Commission passes or is that to be determined?

Saffel stated yes, the Department is working with the USFS and they are going to adjust their management to be coordinated with FWPs; their regulation in the past has been client days and their client days have been largely to meet demand.

Vice-Chairman Stuker stated another public comment asked if there are going to be areas under the plan where waders will not be allowed, only boaters or floaters and will it be closed at various times?

Saffel explained the original proposal, the section from Painted Rocks Dam to Applebury, on Fridays, would be a wade-only day, so no one can float on those days. The restriction would be on both commercial and non-commercial.

Vice-Chairman Stuker stated there are areas within that area where waders cannot get in; would be feasible to allow floating on that day? That's what the comment alludes to.

Chairman Vermillion explained there are parts of that stretch of the river closed to floating, open to wading only, which are inaccessible due to private lands or whatever, that would prevent people from using that stretch of water on wading day.

Eddie Olwell, BRRAC member, that upper stretch, the dam all the way down to Applebury, has the most public access within those four stretches. It tends to get lower as they stop releasing water. It's more viable as a wade fishing spot. In some cases, the water gets so low you can't float it for quite a while. There is quite a bit of access for waders; other stretches don't have as near much

Vice-Chairman Stuker stated there were several comments that talked about going to the regulations too early in the spring? Is it causing a safety concern because earlier water is too high for wade fishermen to get out. Should we be going at it earlier or should we be moving it closer to July instead of June 1st?

Saffel explained the wade-only time period starts July 1; had a lot of information that stated when the primary use period is, people want to get out there and fish between the time slot that was chosen.

Vice-Chairman Stuker stated a lot of comments said this is something new. Randy Arnold, Region 2 Supervisor mentioned the Department was going to be re-evaluating this; if the Department thinks something needs to be changed FWP would come back to the Commission, rather than two years.

Saffel explained the Department is committed to annual reports; this is will be a learning curve and some adaptation to changes; going to be two to three years down the road before we know if it's working or not, so the Department is committed to looking at this annually.

Chairman Vermillion stated one of the things that was helpful with the Beaverhead/Big Hole rules was that the Commission put in a mandatory five-year review. Region 3 holds meetings in Bozeman, Butte and Dillon to actively discuss the rules and suggest changes. The annual report is important, but this would require a date-specific check-in; surprised the committee didn't come up with a rule for the mandatory five-year review of some sort.

Saffel stated in speaking for the committee, it was discussed but didn't go into detail. In five years there may not be enough information to review, might be premature. The Department offered the annual reports and if there is a desire to go out earlier or at a more appropriate time, the Department will offer that.

Chairman Vermillion explained from his experience with the Beaverhead/Big Hole rules, he thinks the mandatory review is a good opportunity for the Department to talk with folks and have a meeting every five-years. Some of the good changes in that management process have come because of the mandatory five-year review; would like to see that included in this rule.

Director Williams asked for clarification, what would the Commission like in addition to the proposed annual review; the five-year review would be a little bit different as it would include a public process, an external review?

Saffel stated it would be better to have the five-year review in the Management Plan, rather than in the rules.

Andrew Puls, Region 3 River Ranger, stated he dealt with the Madison, Beaverhead, and Big Hole rivers. The Department rule review period, is every five years; do get valuable input from the community, sportsmen and outfitters and guides that are using those rivers during the review period; no significant changes were mad, but there were minor changes that were very important.

Chairman Vermillion state one change was made in Jessen Park in Twin Bridges, it allowed people to access the upper Jefferson; before they couldn't access it; it was an oversight and nobody realized how that was going to impact it, but being able to make that adjustment opened a big stretch of the river to folks which was supported by the public and the outfitters.

Andrew Puls: Yes, that was a change and a very important one.

Vice-Chairman Stuker asked if the BRACC duties are done or will they still be involved moving forward?

Saffel stated as far as this rule-making process, their duties are finished; moving forward the Department will probably want to work with them again on any modifications or getting feedback, but no official status yet.

Commissioner Brower stated in the future, especially when there are these larger amounts of public comments, would like a breakdown of how many comments were for or against the rules, and what percent were residents and what percentage were nonresidents.

Saffel stated in the summary documentation, there is an out-of-state reference.

Chairman Vermillion asked for public comment.

Dave Campbell, Bitterroot Trout Unlimited (TU); endorse the proposal as written; commends the Department for convening the committee and facilitating the workshop; want to see it implemented as is.

Jim Olson, Ravalli County Fish and Wildlife Association (RCFWA), commends the Department on their data-gathering process; sent out 3,000 questionnaires on the West Fork and 3,000 questionnaires on the upper river; the West Fork received 900 comments and the lower river received 800 comments; this is good participation; the survey showed about 68% of the commenters were displaced because there was too much outfitting and crowding on the river and they had to go someplace else; 55% were in favor of it and a significant amount also wanted stricter regulations; started the Beaverhead Management Plan when he was a FWP Commissioner; this needs to be reviewed and tweaked after it runs for a while.

Rick Thomas, Bitterroot Outfitter, not against limiting the number of boats; wish it was based on the number of actual use; this limits him because it potentially takes some of his business and transfers it to another outfitter; supports with alterations based on actual usage and allocated in that way.

Unknown, the proposal to review every five years is good to help work out the bugs.

Robin Cunningham, Fishing Outfitters of Montana (FOAM), FOAM was part of the original group that worked with the Beaverhead/Big Hole rule package and the statewide river management package; agree with several commenters, including Chairman Vermillion, that the five-year review should be mandatory and be in the rule, if that's possible to do that without sending it out to the public comment again; otherwise, if it's incorporated in the management plan it must be mandatory as well; this is an important component for the future; commend the committee on a wise and dutiful job; glad FWP is presenting it as recommended.

Chairman Vermillion stated he understands that this is Mr. Cunningham's last Commission meeting as the president of FOAM and is retiring at the end of the year.

Cunningham state yes, that is correct; a qualified person has been hired to replace me; has appreciated working with members of the Commission for many years.

Chairman Vermillion thanked Cunningham for representing outfitters and sportsmen; did an excellent job representing the industry on these issues in front of the Commission and the Commission appreciates it.

Eddie Olwell, BRRAC member, the process was a fair and reasonable process given the diversity of the committee; worked more than 40 hours on this; supports most of the regulation; there is some clarification needed on one line, "restrict commercial floats to two floats per day

per designated section of river,” this is the only topic of this regulation he has an issue with and it’s only one word. The reason he wants to see the terminology changed from floats to launches is it will confine the outfitters to smaller sections, it takes away our ability to disburse our traffic and spread ourselves out, especially on the days when one of the commercial sections is closed; proposes to change from two commercial floats per day as to two launches per section per day; does not impact commercial sections; there is a cap on outfitted permits. Supports Commissioner Vermillion’s plan to review this every five years.

Jenny West, BRRAC member, concerned about the language of float vs. launch. A lot of sections have lots of access points in between each section; would hate to go to Section 1 at the upper put-in and be around 8 or 9 other boats when there are other access points where others can all disburse to. If you limit the floats, a lot of use on those upper and lower access points for parking and the access points will have a lot of impact; good idea to review the rules every five years.

Casey Hackathorn, Hellgate Hunters and Anglers (HHA)/BRRAC member, the committee was able to come up with consensus recommendations with a lot of diversity at the table. HHA club supports the proposal as it’s written. Would like to see monitoring for the entire length of the Bitterroot, not just the area of the new rule just to make sure there aren’t unintended consequences with displacement. Considering the current budget restrictions in the Department, it would be reasonable to charge a fee to cover the cost of managing the program and do the monitoring. There have been some challenges around the language. A way to change the language of float would be to insert the two words “originating in,” essentially limiting outfitters to two floats originating in each section; this would provide flexibility to disburse guides through the whole region. The whole purpose is to reduce user conflict by time and space with the least restrictions possible

Nick Gevock, MWF, supports the proposal; commends the process and great model of reaching out to the public.

Jenny West, Outfitter, sometimes during high water when the West Fork is running fast at 1500 cfs, you are going through three sections in a day; this will limit the ability to do our work up there. People are coming from all over the world to fish and enjoy the experience.

Chairman Vermillion stated he would like to insert the mandatory review like what is in the Beaverhead/Big Hole; not sure how to do that appropriately and respect the public process.

Dockter explained the Commission has a motion on the table right now; the Commission can either vote on that and finish out that motion and then make another motion to include in the language, can do it in two separate motions, or can amend the motion to include language requiring the five-year review and vote on all of it; it is up to the Commission. Wants to remind the Commission there is a requirement, by law, that every two years Administrative Rules are reviewed by the agency; this does not necessarily mean the rules must go out for public comment. If she understands correctly, the Commission is requiring some sort of input by the public, like the Beaverhead/Big Hole rules, so the motion might include a reference back to the Beaverhead/Big Hole rules, so it’s clear.

Amended-Amended Motion: Chairman Vermillion moved and Vice-Chairman Stuker seconded to amend the amended-motion to reflect a five-year review insert as articulated in the Beaverhead/Big Hole Administrative Rule.

Olson, BRACC, five-year review is a very good idea; there will be bugs develop in the plan, and it give a chance to take care of those.

Vice-Chairman Stuker stated he is not sure if he wants to amend the motion at this time to talk about the “floats” vs. the “launches,”; will this go back out for public comment or is this the final?

Dockter stated this is the final.

Chairman Vermillion stated he shares Vice-Chairman concerns; this would be a substantial modification from the public process and the group process that came up with this set of rules; more inclined to direct the Department to look at that this year and see how it plays out over the course of the next year; if it is truly a significant problem or doesn’t seem to be accomplishing what we need, could revisit this next year at the end of the season, but will defer to the Commission.

Commissioner Colton stated he is sympathetic to what the outfitters have said. However, the Commission is in a position where the BRACC came forward to do the meeting and they’ve made a recommendation; not sure if the Commission is in a position to really be fiddling with that given the work that has gone into it already and the consensus that did exist at one time; resistant to that change.

Commissioner Aldrich stated he attended a couple of the hearings in Missoula and Hamilton; there was a lot of good comments and a lot of the comments centered around how are we going to see what we are doing, why we are here and are with rules in place; people realized that the Department is not going to go away, they are going to keep watching this and the five-year mandatory is certainly going to put a schedule on it; the motion us right on.

Vice-Chairman Stuker explained he wasn’t going to propose a change today, but does like the comment that if the Department will evaluate this and even though there will be a 5-year mandatory review, if it works, great; if it doesn’t, would like the Department to come back to the Commission next year for an annual review.

Saffel stated the Department is willing and able to come back next year; will add that in as part of the rule; asking for commercial operators to give us their historical operation in this area from 2014 to 2016, and then we will get annual reports from them telling us what they've done and where.

Chairman Vermillion stated he's assuming the Department will have most of that data compiled by November 2018 for the 2018 season, but the Department could make a presentation or at least submit a report to the Commission about how it went the first year.

Saffel stated the Department usually asks for information by the end of December; going to work with the outfitters in that area to see when they can get us reports.

Commissioner Colton stated just a reminder, the Commission can always accept a petition for rule-making; the Commission has made it clear that is something they would entertain when more data is collected after this first season, if there's a need for that.

Vice-Chairman Stuker stated he agrees with Commission Colton's comment.

Chairman Vermillion stated the Commission has shown a strong preference to the Department for a solid check-in next fall, at least anecdotal before the data is there; the Commission will be hearing from the outfitters and public as to how the season goes this year. As Commissioner Colton said, there is always the opportunity to petition for review or petition for an alteration of the rule that can be done every year.

Action on Amended Motions: Motion passed. 5-0

Chairman Vermillion thanked the BRACC and the Department; knows these processes can be contentious for folks who are willing to show up to the table and discuss their sacrifices to their businesses or recreational use; it's a hard conversation to have, but it's going to happen a lot more of in Montana; the collaboration that was shown in this issue can replicate elsewhere; this is just the beginning.

Ken McDonald, Wildlife Division Administrator, stated most of the agenda items are the wildlife biennial season-setting proposals and wants to recognize the hard work that Wildlife, Enforcement, Regional and Helena staff did putting together the biennial regulations. There's a ton of work in these regulations that allows for unprecedented hunting opportunity in Montana.

15. West Kootenai Wildlife Management Area Salvage Logging Project (R1)

Ken McDonald, Wildlife Division Administrator, explained approximately 745 acres of the 917-acre West Kootenai Wildlife Management Area (WKWMA) burned in the Caribou fire under red flag weather conditions on the afternoon/evening of September 2, 2017. About 600 forested acres of the WKWMA burned under high-intensity crown fire resulting in near 100% mortality. FWP hosted a field tour on September 29, 2017 which included FWP staff, a neighboring landowner, the logger and forester who implemented the thinning project in 2014-15, and USFS firefighters to survey the effects of the fire on the WKWMA. FWP is proposing to conduct timber salvage on approximately 506 acres, to achieve habitat and forest regeneration benefits. FWP released a draft EA for public review on October 24, 2017 and accepted public comment through November 8, 2017. A public notice was posted on FWP's webpage, and notices were sent to numerous newspapers as well as several radio stations; 34 comments were received, all in support. No action would result in no salvage timber harvesting taking place on the WKWMA at this time. The proposed action would salvage harvest approximately 1.62 million board feet of merchantable timber on approximately 506 acres of conifer forest. The purposes of the proposed action include: avoid an accumulation of downed timber that could preclude ungulate movements, promote natural regeneration of the forest where possible, and conduct the work while the value of timber can cover the cost of the treatment. Existing roads would be utilized, no new roads would need to be constructed. A portion of the burned area would be retained to reduce sight distances and provide habitat diversity including: 56 acres of snag patches that burned under high-intensity fire; 37 acres with excessive slopes (> 35%); and other areas that burned under low intensity fire. Any surplus revenue generated from this project would be used to fund future rehabilitation and forest management on the WKWMA as well as forest management work on other WMAs across the state. Regardless of the alternative chosen, FWP would continue to manage the WKWMA for wildlife and compatible recreation activities, including evaluating the need to replant trees within three years, re-vegetating severely burned and disturbed areas, and/or conducting noxious weed management treatments. The cost of the project would be covered by the value of timber, which starts diminishing within 1 to 2 years of burning.

Motion: Commissioner Aldrich moved and Commissioner Colton seconded the Fish and Wildlife Commission approve the proposed timber salvage project on West Kootenai Wildlife Management Area as presented by FWP.

Commissioner Aldrich congratulated the people who made this happen as quickly as they did; having worked for a public agency that had fire suppression and fire salvage, he knows it is tough to get on top of things and get data and your act together so can salvage valuable timber, and move back into enhancing the wildlife management that we have; excellent job.

Vice-Chairman Stuker stated he agrees with Commissioner Aldrich; when this project is done, will the Department report back to the Commission as to how much timber was salvaged, what the cost was and any profit that was made?

McDonald stated he would be happy to provide that information and he will pass the request on to Jason Parke, our Forester.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed. 5-0

16. Timber Gulch Right of Way Access Easement (R3)

Ken McDonald, Wildlife Division Administrator, explained FWP proposes, through the Accessing Public Lands Program (APLP), to purchase a permanent road easement across private land that allows access to 3,400 acres of Bureau of Land Management (BLM) in the Timber Gulch area of McCartney Mountain, 3 miles east of Glen. The nearest public access to BLM land in this area is 1.5 miles to the east; there is no public access to McCartney Mountain west of the proposed Timber Gulch access. The project is in Deer/Elk Hunting District 340. FWP would purchase approximately 0.14 miles of existing primitive road with a 40-foot width easement and convey the easement to the BLM. This acquisition follows the BLM travel/access plan for the McCartney Mountain area. The road connects a county road (Burma Road) to an open route on the BLM that is open year-round. The public would also have year-round access to this road easement proposed to be purchased. Compensation in the amount of \$20,000 for the easement would be paid to the Garrison Big Hole River Ranch. The purchase is being funded by hunting license revenues through the APLP administered by FWP and through contributions from the Rocky Mountain Elk Foundation (RMEF), Skyline Sportsmen (SS), Beaverhead Outdoor Association (BOA), and Jefferson Valley Sportsmen (JVS). FWP completed an EA for the proposed project and was released for a 31-day public comment on October 12, 2017. The public was notified that this EA was available for review and comments received were: direct mailing to adjacent landowners, Madison County, BLM and interested parties to ensure their knowledge of the proposed project, distribution via the FWP Butte wildlife biologist's email list of interested parties, two public notices each in *The Montana Standard* and *The Tribune*, and a public notice on the FWP web page; copies of the draft EA were available for public review at FWP Region 3 Headquarters and at the FWP Butte Area Resource Office; 19 comments were received, 17 in support and 2 opposed; opposing parties were adjacent landowners; their comments centered on a misunderstanding that the acquisition of this proposed road access would change current travel management on BLM; it will not. It will simply secure public access in perpetuity; supporting comments spoke to the need to secure public access to public land in perpetuity, securing administrative access for DNRC for fire management, and this acquisition being in line with BLM's travel management for motorized use in this area. Two alternatives were evaluated: FWP would purchase a perpetual public road easement across 0.14 miles of the Garrison Big Hole River Ranch and upon acquisition, convey the easement to the BLM; or public road access to BLM in the Timber Gulch area would remain open dependent upon the good-will by the Garrison Big Hole River Ranch. FWP would attempt to continue to engage in annual APLP contracts with the Garrison Big Hole River Ranch for \$1,000 annually to ensure continued public access to BLM lands during the hunting season.

Motion: Vice-Chairman Stuker moved and Commissioner Aldrich seconded the Fish and Wildlife Commission give final approval for purchasing the Timber Gulch access road easement.

Chairman Vermillion asked for public comment.

Chairman Vermillion stated he wants to thank all those who contributed to this project; going back as far as 2007 to those worked on the Private Land/Public Wildlife (PL/PW) to put together the Coming Home to Hunt bill; thought this license type had been done away with, but it is a way to offset concern about increased nonresidents hunting and using these funds specifically for this opportunity.

McDonald explained during the 2015 legislative session, one of the things built in was a standardized price of all discounted licenses; previously this one was full price, competing statute a session or two later that offered almost the same thing at four times the resident price; with House Bill (HB 140), those equalized and this is less disincentive to not buy this and maintain the earmark.

Vice-Chairman Stuker thanked the landowner for working with the Department to make this easement permanent.

Action on Motion: Motion passed. 5-0

17. Criteria for Exception on Ban on Ungulate Urine from Chronic Wasting Disease Positive States (per SB173) - Proposed

John Vore, Game Management Bureau Chief, Wildlife Division, explained the criteria for the exception on the ban on ungulate urine from Chronic Wasting Disease (CWD) positive states or provinces. Senate Bill (SB 173), which was passed by the 2017 Legislature prohibits the sale or use of deer or elk urine if that urine originates from a CWD positive state or province. The Archery Trade Association (ATA) maintains a certification program for organizations or facilities that produce that urine and they can verify that it is from CWD-free herds where the urine comes from. FWP is proposing that the Commission adopts the criterion that is used by the ATA. If the Commission adopts the same certification requirements, then the Department could exempt those ATA certified products from the ban on the use or sale of elk or deer urine in the states or provinces. Any non-ATA certified product would still be required to be individually reviewed and evaluated.

Motion: Commissioner Colton moved and Commissioner Brower seconded that the Fish and Wildlife Commission adopt for public comment the list of states and provinces from where deer or elk urine would be prohibited for sale or use in Montana, as well as the proposed criterion for exceptions to the ban on the use or sale of elk or deer urine from facilities originating from CWD positive states or provinces.

Chairman Vermillion stated understands the SB allows Montana to ban ungulate urine completely; up until six weeks ago, Montana was CWD-free and he worries we will open the door to urine from ungulates that may be infected and we may not even know it.

John Vore explained one of the reasons is that about 95 percent of the product that is used in these scents comes from a couple of different facilities; if there was a universal ban, then this would limit the amount that could be used and purchased on the market.

Becky Dockter, FWP Chief Legal Counsel stated in looking at the law, it already prohibits the use or sale of deer or elk urine to mask human odor. What the proposal would allow, and the bill already allows, are exceptions to that rule; the exceptions would be the criteria or the

circumstances when urine can be brought in. There are criteria in the law that any exception must comply with, and the criteria here complies with those criteria in the law, as well.

Chairman Vermillion asked if the law requires the Department to come up with exceptions to allow the importation of this product?

Dockter stated no, it does not; it just says the Commission may.

Vice-Chairman Stuker stated non-ATA certified products would still be required to be individually reviewed and evaluated. How would that take place? As he understands it, there are only certain areas of the animal that you can really tell if it has CWD, or does this go back to confined areas and dealing with death loss?

Vore stated if you are asking how the Department would determine if the urine came from a CWD-free facility, those facilities have a number of criterion to pass the evaluation that the ATA has set up which includes testing of all dead animals, and some not very effective tests for live animals.

Vice-Chairman Stuker explained his question is on the last line on “non-ATA certified products would be individually evaluated.” Would this be based on the ATA requirement?

Vore stated correct, based on those criterion to the facility where that product came from.

Commissioner Colton asked what is the enforcement on the individual going to be? It seems like an enforcement nightmare; how will this be enforced?

Vore explained it would be a difficult issue for enforcement, the retail end would be the first line of defense.

Chairman Vermillion asked for public comment.

Nick Gevock, MWF, strongly supports; this is a good effort, but do share Commissioner Colton’s concerns about enforcing it; at least this is an effort to get on top of this and do what we can.

Chairman Vermillion asked if this proposal does not pass eventually, what is the status quo with this issue in Montana?

Dockter explained the law as it reads now is the use or sale of deer or elk urine to mask human odor is prohibited if it originates in states or provinces with documented CWD, as determined by the Commission. The list of states or provinces is something you would have to determine for the prohibition of the sale or use; the Commission would have to pass any exceptions if you want to pass exceptions.

Commissioner Colton stated he doesn’t know how we do this, but thinks there is a strong education component that needs to go out; this is a widely used product; since it’s going to be almost impossible to enforce in any reasonable way; need to let folks know when they are purchasing online, they should get the certified stuff.

Vice-Chairman Stuker asked for enforcing on the training rules, do we need to have some type of evidence as to where it was purchased; it comes back to education; when you shoot a deer, you have to leave the sex on it so you can tell what it is; is this something we need to require some of these products so we can tell where they came from? Just wants to make it easy for the game wardens to enforce it with the least potential problems.

Vore stated he thinks that is a good idea.

Director Williams stated the Department knows that we will be heavily involved in communication and education on CWD to begin with; this just seems to be one more component of it that we will have to fold in.

Commissioner Brower stated he agrees, it is going to be out there anyway, so might just as well educate people on it.

Commissioner Aldrich asked what needs to put in place? Do we need legislative action or can the Commission or Department take action to put in place something like Commissioner Colton suggested? He thinks think to tape over a trademark might give a warden a chance to look at; more research needs to be done to deal with this.

Dockter explained in the statute itself, there is already a violation of this section as a misdemeanor, so there is already recognition that this is punishable by a fine for each separate offense; suggests an allowance for the Commission to include language for a hunter to be able to show

that they complied with the exceptions that are passed by the Commission; the Commission could propose that now and that would go out for public comment.

Chairman Vermillion stated he is happy to support this for a tentative proposal, but it seems like we don't have to create exceptions for deer urine that comes from a CWD positive state; that was probably the intent of the legislature, to make sure we don't allow importation unless we go through a very extensive process to create exceptions that certifies it is not going to create an opportunity to spread in Montana. If we don't have to make exceptions, why is the Department proposing an exception; it seems like it's better to ban it altogether if it comes from a CWD-positive state?

Vore explained the statute itself speaks to exceptions, need to clarify how those exceptions are put into place or enforced.

Chairman Vermillion stated it seems like they are trying to push the decision on us so if at some point down the road, if the exception creates an opportunity to spread to our herds, they can look at the Department or Commission and say we didn't make them do it, they did it on their own, they would go back and look at the language that says "may" and they would be right.

McDonald explained during the hearing on this bill, there were representatives from the Archery Trade Association who said that 95 percent of the urine sold on the market comes from facilities that have been certified by their program, which means about 95 percent of the urine on the market is coming from a state with CWD, so if we banned it, it would probably ban the product period, or create a new market, that's the understanding he had from the hearing.

Chairman Vermillion stated he's going to need some serious convincing, but I am willing to let two months lapse for that to happen.

Chairman Colton stated if we don't create exemptions for these facilities, we're going to make a lot of criminals; do we know where these facilities are?

Vore explained in most cases we know where about 95% of the product comes from as far as the facilities that produce it; there can be other facilities out there, but they would have to be certified; 95% of the product comes from very few facilities in these states.

Commissioner Colton asked in these CWD states?

Vore stated correct.

Chairman Vermillion asked if you had a facility in a state that doesn't have CWD, like Georgia, even if we didn't approve the exceptions, they would still be able to export it or send it to Montana for Montana archers, right?

Vore stated yes.

Commissioner Colton stated it seems like there's some logic to encourage purchasers to get their products from these certified facilities because they are being evaluated and tested; we would have been allowed to collect urine here in Montana until two months ago, but we clearly had CWD on the landscape; the exemption maybe creates a safer situation than forcing folks to buy from noncertified facilities that just happen to be in a non-CWD state, it's not tested or evaluated.

Vore stated Montana is one of the states that is CWD; not just because of finding it in the wild, but finding CWD in the game farms in the 1990's, Montana is one of the states that has been listed.

Chairman Vermillion stated he is ok with putting this out for public comment, but he will have to do more reading on it; will withhold judgment for now.

Vice-Chairman Stuker stated he agrees with Chairman Vermillion; doesn't have a problem putting it out, but does have a problem with it overall.

Action on Motion: Motion passed. 5-0

18. 2018/2019 Helena Urban Deer Plan Quota Ranges and Quota – Proposed

John Vore, Game Management Bureau Chief, explained every two years, the Commission approves the quota for the Helena urban deer removal project that is ongoing in the city here. The Department is asking is to approve the quota range; not proposing any changes from previous quota range; the existing quota range is up to 250. Any deer removed because of an urgent public safety situation does not count against that quota. For this current winter that runs from November 15 to March 31, 2018, the quota is 175. It could go up to 225 if the removal of males is disproportionately high.

Motion: Vice-Chairman Stuker moved and Commissioner Aldrich seconded the Fish and Wildlife Commission adopt for public comment, the 2018- 2019 quota range for take of urban deer by the City of Helena as presented by the city staff and FWP.

Vice-Chairman Stuker asked if these deer tested for CWD?

Vore stated no, they are not, this is not one of our priority surveillance areas.

Vice-Chairman Stuker asked if testing should be done on some of them?

Vore stated this conversation came up when we were discussing and putting together the CWD plan; thoughts were that efforts and money would be best spent elsewhere in our priority surveillance areas. It is certainly something that could be done, but that would take staff time and resources to do that which we feel are better put into those areas that are priorities.

Chairman Vermillion asked how much does each average CWD test cost?

Vore explained the test only costs \$17, but you have to have staff or people that know how to take the sample as well.

Chairman Vermillion ask if there is an FWP staff member that is there at the same time?

Vore stated he doesn't believe there is a staff member there, it is usually city police that do that.

Chairman Vermillion asked for public comment.

Action on Motion: Motion passed. 5-0

John Vore, Game Management Bureau Chief, stated season structures and hunting district (HD) boundaries are adopted biennially for most game species, every other year between December and final adoptions in February. Proposals are based on population status and/or other circumstances.

19. 2018/2019 Deer Hunting Seasons and Hunting District Boundaries – Proposed

John Vore, Game Management Bureau Chief, explained deer populations in much of the state are recovering from lows of a few years ago and have grown to very high numbers in some parts of the state. For 2018 and 2019 the Department is proposing liberalizing seasons and adding B Licenses for both mule and white-tailed deer in many HD. Specific proposed changes for 2018-19 are (all other season components except calendar year rotation are proposed unchanged from 2017):

REGION 1

- HD 130: Create Swan River Refuge Weapons Restriction Area for archery-equipment-only hunting of deer, elk, black bear, mountain lion and wolf.

White-tailed Deer

- HD 122: Change quota range from 200-500 to 50-500.
- HD 170: 170-00 WT B-License change from one per hunter to 2 per hunter.

REGION 2

Mule Deer

- HD 210/217: Add 299-00 MD B-license (quota 50, range 1-120) only valid on private land. Valid during the archery and general seasons.
- HD 213: Change 213-00 MD B-license from one per hunter to up to two per hunter.
- HD 240: Remove south of Carlton creek restriction from general license MD opportunities.
- HD 260: Add Arch equip only ES MD opportunity to the general licenses valid 9/1/2018–01/15/2019.
- HD 261: Change 261-50 AB MD permit quota from 35 to 15 and make it only valid in HD 261 (removing HD 262 from permit).
- HD 262: Add 262-51 AB MD permit (quota 25, range 1-50) only valid in 262. Change 262-00 MD B-license from quota 100 to 200 and change from 2 per hunter to 1 per hunter.
- HD 270: Add 270-01 MD B-license (quota 100, range 1-150). Valid in both the archery and general seasons.
- HD 291: Add 291-01 MD B-license (quota 40, range 5-250) only valid on private land. Valid in both the archery and general seasons.

White-tailed Deer

- HD 200/201/202/203/240/270/281/283/285/292/293/298: Add ES WT to the general license opportunity for the first nine days of the general season (10/20-10/28).
- HD 200/201/202/203/281/283/285/292/293/298: Change AB WT to ES WT for the general license archery season.

- HD 260: Remove portion of HD 260 in Ravalli county and east of HWY 93 in Missoula county restriction from 260-01 WT B-license.
- HD 281: Remove 281-00 WT B-license.
- HD 290: Add 290-01 WT B-license (quota 50, range 5-250) only valid on private land. Valid in both the archery and general seasons, no weapons restrictions. Change 290-00 WT B-license from up to 2 per hunter to up to 5 per hunter.
- HD 293: Remove 293-00 WT B-license.

REGION 3

- HD 309/312: Change boundary by removing 300 acres between Cactus road and Hamilton road from 309 to 312 (applies to elk and lion as well).

Mule Deer

- Remove unlimited mule deer buck permits and go to an any buck (HDs 318, 335, 339, 343) or Either-sex (HDs 329, 340) season.
- HD 313: Change 313-01 quota from 50 to 100 and range from 25-200 to 25-300.
- HD 314: Add 314-01 MD B-license (quota 100 range 25-300). Valid in both the archery and general seasons.
- HD 315: Add 315-02 MD B-license (quota 70 range 25-200). Valid in both the archery and general seasons.
- HD 317: Add 317-01 MD B-license (quota 85 range 25-150). Valid in both the archery and general seasons.
- HD 319: Change 319-01 MD B-license quota range from 10-100 to 10-150.
- HD 329: Remove 329-50 MD permit.
- HD 340: Change general licenses antlerless MD to ES MD for the general season. Remove 340-01 MD B-license.
- HD 380/390/391: Change MD B-license quota ranges as follows:
 - 380-02 from 25-200 to 25-400
 - 390-01 from 25-200 to 25-400
 - 391-02 from 25-200 to 25-400
- HD 392: Add 392-01 MD B-license quota 50, quota range 25-200 only valid in the general season.
- HD 393: Change 393-01 from quota 50 to 100 range 25-300.

REGION 4

Deer

- HD 455: Change 455-60 Deer (WT & MD) B-license quota range from 30-50 to 10-40.

Mule Deer

- HD 400: Add 400-00 MD B-license quota 100, range 25-500 valid 9/1/2018-10/14/2018 (archery season) and 10/20/2018-11/11/2018 (portion of general season).
- HD 403: Change 403-00 Deer (MD & WT) B-license to MD B-license quota 125, range 25-300 valid 9/1/2018-10/14/2018 (archery season) and 10/20/2018- 11/11/2018 (portion of general season).
- HD 404: Add 404-00 MD B-license quota 100, range 25-500 valid in both the archery and general seasons.
- HD 410: Add 410-00 MD B-license quota 50, range 5-500 valid in both the archery and general seasons, not valid on CMR refuge.
- HD 411: Add 411-01 MD B-license quota 50, range 5-500 valid in both the archery and general seasons.
- HD 412: Add 412-01 MD B-license quota 50, range 5-500 valid in both the archery and general seasons.
- HD 413: Change 413-00 MD B-license quota range from 5-250 to 5-500.
- HD 417: Add 417-00 MD B-license quota 50, range 5-500 valid in both the archery and general, not valid on CMR refuge.
- HD 441: Add 441-00 MD B-license quota 50, range 25-350 valid in the archery season and the last three weeks of the general season (11/05/2018-11/25/2018), not valid on National Forest Lands.
- HD 442: Remove only valid inside National Forest boundary restriction from AB MD general license archery and general seasons.
- HD 445: Add 445-01 MD B-license quota 50, range 5-500 valid in both the archery and general seasons.
- HD 447: Add 447-00 MD B-license quota 50, range 5-500 valid in both the archery and general seasons, only valid outside the National Forest boundary.
- HD 471: Add 471-00 MD B-license quota 50, range 5-500 valid in both the archery and general seasons.

White-tailed Deer

- HD 400/ 401/ 403/ 404/ 405/ 406/ 410/ 411/ 412/ 413/ 415/ 416/ 417/ 418/ 419/ 420/ 421/ 422/ 423/424/425/426/432/ 441/442/444/445/446/447/448/449/450/451/452/454/471: Add Over-the-Counter 004-00 B-licenses valid in the archery and general season for all districts except 455; valid in the general season from 10/20-11/11 in HDs 400/401/403/406.
- HD 406/441/450: Remove 495-00 WT B-license.
- HD 413/445: Change 496-00 quota range from 5-500 to 5-1000.
- HD 416/446/449/452/454: Remove 499-00 WT B-license.

REGION 5

Mule Deer

- HD 502/575: Add youth only ES MD opportunity to the archery and general seasons.

- HD 511/520/540/560/580: Add youth only ES MD opportunity to the archery and general seasons, not valid on National Forest lands.
- HD 530: Add antlerless MD to general license opportunity valid in the archery and general seasons.

White-tailed Deer

- HD 500/530/590: Change 597-00 quota range from 100-800 to 100-1000.
- HD 511/540/570/580: Change 598-00 quota range from 400-1000 to 400-1500.

REGION 6

Mule Deer – adding B-Licenses

- HD 600: Add 600-01 MD B-license (quota 400, range 100-1000) valid in both the archery and general seasons.
- HD 611: Add 611-01 MD B-license (quota 300, range 50-500) valid in both the archery and general seasons.
- HD 641: Add 641-01 MD B-license (quota 100, range 50-200) valid in both the archery and general seasons.
- HD 652: Add 652-01 MD B-license (quota 100, range 25-300) valid in both the archery and general seasons.
- HD 620/621/622: Add HDs 621/622 to 620-00 MD B-license.

White-tailed Deer – add Regional B-License

- HD 600/611/620/621/622/630/631/632/640/641/650/651/652/670/680/690: Add 699-00 WT B-license (quota 1000, range 500-5000) valid in all R6 HDs, valid in archery and general seasons.
- HD 630: Remove 630-20 WT permit.

REGION 7 - No season or quota changes

Deer season comments were received during the August 20 – September 21 scoping and included interest in antlerless opportunities, access, and special muzzleloader and senior citizen seasons; public comment will run through 5 p.m., January 24, 2018; final adoptions will take place at the February 2018 Commission meeting.

Commissioner Aldrich stated he would like to talk about a different alternative for Region 1 rather than what is being proposed. This proposal comes from a group of Libby folks and think they have a better proposal for part of HD 103.

Motion: Commissioner Aldrich moved and Chairman Vermillion seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 deer hunting seasons in hunting districts in FWP Region One as proposed by Fish, Wildlife and Parks and those proposed by the public for a portion of Hunting District 103 wherein hunting of mule deer bucks would be limited by limited permits and that all other aspects for the deer season in Region One remain unchanged, unless modified by another member.

Vice-Chairman Stuker asked what the difference is between the motion and what the Department is proposing.

Commissioner Aldrich explained he Department's proposal carries over from 2017, antlered bucks by general license during the archery season as well as through the duration of the general season.

Vice-Chairman Stuker asked what portion of HD 103 is being cut out?

Commissioner Aldrich explained it is one-quarter, a portion just west of Libby that is bounded on the north by the reservoir and on the south by the Fisher River Road.

Vice-Chairman Stuker ask if this proposal was to create more of a trophy hunting district or is because there is a lack of bucks in the area?

Chairman Aldrich stated he would prefer to have George Mercer go into more detail when we get to the public comments; Neal Anderson could also answer questions.

George Mercer, Libby, spokesperson for the group that put together this proposal; spent 12 months working to get to this point; proposing to add an area 103-50 antlered buck mule deer as a mule deer special management district in Region One; working on three topics for mule deer goals: 1) provide a mule deer permit for the Libby area, the closest areas are in Eureka and in Seeley Lake; 2) increase the post-season buck-doe ratio; believe we are overharvesting the bucks in area 103 as a whole; 3) increase the age structure of harvested bucks; the average age of harvested mule deer bucks for the last 30 years is 2.3 years old; want to have a minimum of 40 percent of bucks harvested be 4 years old or older; we believe our proposal area meets the five criteria used to develop a special management district; held their own public meetings; group started in January with 35 people; hopefully goal will also match the adaptive harvest management plan goal; would like the Commission to put out for public comment and continue forward with a vote at the February Commission meeting.

Chairman Vermillion stated this is only about 23% of the overall 103; will go out for public comment for two months; it's entirely possible that the Commission will defer back to the Department's proposal; want to honor what you have created but understand the Department has its way of managing, so the Commission will have to decide which of the two paths to take; good job on setting up the proposal; looks forward to seeing public comment.

Vice-Chairman Stuker stated he is going to vote for this today; may not in February; he's read the mule deer population is declining in 103; is there anything in that says how much of this may continue and is there a lot of private/public land; if we start getting a lot more bucks and more animals in that district, will that cause concern with property owners?

Brian McCullough, member of the group, the reason the group did 23% is because of very clear boundaries set by a major river and a paved road for law enforcement purposes; in Libby, there is a shortened law enforcement ability; the private property is very minimal; there is a good portion of Weyerhaeuser ground and a substantial portion of USFS land, so that should not be an issue.

Vice-Chairman Stuker stated if there's not a lot of private property that might be damaged, that alleviates a lot of my concern about the population growth.

McCullough explained regarding the population trend, the biologist believes that we are still at the long-term average (LTA). The group does not want a large population; believe if we go to a limited permit, there will be a slight increase in the population; the objectives don't address an increase or decrease population and we are at LTA.

Chairman Vermillion asked if the Department thinks this is a deviation from the Adaptive Harvest Management (AHM) model. Can you explain the Department's perspective on this before the Commission votes?

Vore stated Becky Dockter just pointed out to me, in this case, the Commission should adopt the two proposals going forward. One is the Department proposal and one would be the modified one. Speaking to Commissioner Stuker's question about the population, this is not a proposal that will substantially grow the population; if successful in having a few more bucks on the landscape, that is not going to help restore the population; the mule deer population has been declining in region-wide and the Department is aware of that. The Department has an ongoing research project right now to address some of those issues to find out what's going on with recruitment and survival; don't know if it's habitat; perhaps it's competition with whitetail populations; may be some predation issues. This proposal does not meet all of the AHM guidelines; 44% of the older bucks in that HD were 4-point bucks or better; probably not the older aged bucks; pride ourselves on offer hunting opportunities and want to make sure that all hunters have an opportunity to harvest an animal; these kinds of regulations limit opportunity; do realize that there are hunters that want the older aged bucks and there are those opportunities for sportsmen; based on some of FWP's surveys, about 2/3 of hunters would rather have the opportunity rather than a trophy opportunity; it's unlikely that there will be a big change in the next few years; HD 103 is one of the better opportunities in Region One that offers mule deer and the harvest numbers have increased; if we do go to a limited opportunity, we would probably have to go to 10 to 15 permits to reach the objectives of the proposal; concerned that hunters will go elsewhere; another is CWD and we want to guard as much as possible against CWD; bucks are more likely to be vectors to spread CWD among the population; roughly one-fourth of the HD is to be a special buck management area and unlikely to see the desired results because of its size; the deer move around a lot and might be harvested outside of that area; there are a number of concerns with this proposal.

Neal Anderson, Region 1 Wildlife Manager, this is a small area, but it is one of the more popular mule deer hunting areas; trying to get a research project initiated in this area and are capturing deer this winter; this is more open winter range; don't know that this proposal will have an impact on this project; primarily looking at habitat use; has worked with this group for many months and would like to thank them for their hard work; thinks the Department needs more groups like this.

Chairman Vermillion stated the Commission needs to amend the motion to reflect the status quo as well as the new proposal.

Commissioner Aldrich stated the motion he did, acknowledged the motion to move the Department's proposal forward along with the new proposal.

Dockter stated the motion is sufficient as long as both are an option.

Steve Schindler, Traditional Bowhunters of Montana (TBOM) there are members in Libby who are great supporters for this proposed special mule deer in hunting district in 103; supports and hopes this makes it through the tentative process.

Action on Motion: Motion passed 5-0.

Chairman Vermillion asked John Vore if he had presentations to make for the other regions?

Vore stated he spoke to it in his presentation.

Motion: Commissioner Colton moved and Commissioner Aldrich seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 deer hunting seasons in hunting districts as presented by Fish, Wildlife and Parks and that all other aspects of the deer season remain unchanged, unless addressed in other proposals.

Chairman Vermillion asked for public comment and explained this motion is for Regions 2, 3, 4, 5, 6, and 7; Region 1 has already been put out for public comment.

Chairman Vermillion stated there are several changes in Region 3, assumes that this is part of the management plan in southwestern Montana?

Vore stated he assumes Chairman Vermillion is speaking to the mule deer and removing unlimited mule deer bucks in some areas; this is not necessarily to expand that, but these HD, following AHM again, are now in a place where the proposals make sense; have done a lot of work in evaluating the efficacy of those hunting seasons; in unlimited hunting areas, in many cases they don't work as planned; the idea was that many people would not want to forgo the opportunity elsewhere to hunt in one place; people thought if this was an unlimited permit, this must be a good place to go; it has backfired in some places because more people are hunting there because of the permit; that was one of the considerations that went into this proposal.

Marlon Clapham, Montana Bowhunters Association (MBA), what about the addition of 290, the doe tags in an archery season only during the general season; proposing 50 doe tags in an archery only season in an archery only area on private property. MBA is opposed to this; 290 has been an archery only area since the 1960s and they are constantly trying to put firearms in this area; understand that ranchers do have a problem with an over-run of white-tailed deer in the Helmsville area of 290 and it does need to be addressed; want to go on record of opposing rifle tags during archery season or during the general season in the archery area only; there was a misunderstanding in information online, it said that rifles could be used during the archery season. Scott Eggeman said the tag was good during the archery season but only with archery equipment and during the general season with rifles.

Commissioner Aldrich stated it is his understanding that in 290, the proposal for those 50 permits can only be used by firearms during the general season only, not during the archery season from September 1 through October 14.

Vore stated that is correct, it has always been that way, it was a poor choice of words in the Master List.

Commissioner Aldrich stated he did get a chance to go with Scott Eggeman and talk with three of the landowners in 290; there are many deer in the fields where they are trying to raise alfalfa; they need some help in managing those deer; landowners need a tool and don't have one at this point.

Chairman Vermillion asked Howard Burt to talk about mule deer in Paradise Valley and why they are doing so well; is there fewer elk hunters on the landscape the last few weeks in the season; it has been a long time since there has been that many mule deer, especially that close to Yellowstone Park.

Karen Loveless, Region 3 Wildlife Biologist, stated the mule deer in Gardiner have been coming back up in a cyclical fashion; their numbers are right about LTA; not sure there's any association with the elk season; there just a 20-year cycle; Paradise Valley has seen a similar cycle, don't have trend counts, just have harvest data, but the harvest has improved; 314 is doing a little better than 317, adding in doe tags there is to address game damage issues and overabundance of mule deer in some areas.

Chairman Vermillion asked Loveless what does she see happening in the lower Shields?

Karen Loveless explained specifically in HD 393, there is a really high concentration of mule deer on the outskirts of Livingston and some landowners are having trouble managing them; added 50 mule deer B licenses; the landowners are having trouble getting enough hunters to disperse the deer; around Livingston and that south area there are a lot of mule deer; the HD in general is well below the AHM standards and the Department has made those mule deer B licenses private land only and kept them to 100; the other option is making an area of that HD that allows antlerless on the general; 315 is also doing better than 393 in terms of the AHM standards for mule deer so we didn't restrict the B licenses to private land only in 315.

Commissioner Colton stated he has received some calls because the mule deer numbers are up and after talking with the wildlife managers, they are going to make some youth opportunities to take a doe on their general license in certain districts; will see how that works.

Action on Motion: Motion passed. 5-0

20. Expansion of Youth Deer Hunt – Proposed

John Vore, Game Management Bureau Chief, explained during the 2017 legislative session Representative Lavin introduced HB 437 that looked to establish a four-day youth-only deer season in years when the Montana Education Association (MEA) days do not immediately precede the opening of the general big game season. Representative Lavin graciously agreed to withdraw the bill if FWP would bring it before the Commission for their consideration. The language of the bill reads as follows:

- (b) To promote and enhance hunting opportunities for Montana's youth, the commission shall:
 - (i) establish a 4-day, youth-only deer season, except that when youth-only deer season immediately precedes the opening of the general big game season, it is limited to 2 days; and
 - (ii) subject to the licensing provisions of Title 87, chapter 2, open the youth-only deer season to all minors who are 10 years of age or older and under 18 years of age.

A few things that need to be brought to the Commission's attention are:

- During those years when it would be a 4-day youth hunt all 4 days would overlap archery season. Many archers are likely to oppose this.
- This proposal would change the definition of youth eligibility for the hunt from 10-15 to 10-17.

- Current youth hunt opportunities in the regulations for the general archery-only or firearms season for deer, elk, and some B licenses for both are restricted to youth ages 12-15. Expanding the upper age limit of youth eligible for the statewide youth deer hunt to 17 is likely to add a level of confusion for hunters trying to differentiate between the statewide youth hunt and other archery and general season youth opportunities.

In addition to public comment at the December 7 Commission meeting, public comment will run through 5 p.m., January 24, 2018 and any final adoptions will take place at the February 2018 commission meeting.

Motion: Commissioner Brower moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission adopt for public comment the proposed four-day youth-only deer season in years when Montana Education Association days do not immediately precede the opening of the general big game season, and to open the youth-only deer season to all minors who are 10 years of age or older and under 18 years of age as proposed by FWP. Unless addressed in separate proposals, other aspects of the deer season would remain unchanged.

Chairman Vermillion asked in any of the discussions with Representative Lavin, was the age shift the issue or was it expanding it to four days?

Vore stated he did not have any discussion with Representative Lavin, so he could not to that.

Chairman Vermillion stated he thinks the idea of shifting it to four days seems like we are starting to get away from what we were trying to accomplish with our youth days; not sure if we are accomplishing our goals with 16 and 17 years old.

Commissioner Colton stated this is now expanding the youth hunt to people who have their driver's licenses and may be hunting independently; we are forgetting why we created these youth hunts; has concerns about the older ages.

Vice-Chairman Stuker stated he agrees with Chairman Vermillion's and Commissioner Colton's remarks; has a problem with 16 and 17-year old's and if it's going to overlap into the archery season, it might create a safety problem.

Becky Dockter, FWP Chief Counsel stated in looking at the most recent proposed bill died in committee because of our promise to pass this, it does include language about being subject to the licensing provisions of Title 87, open the youth only deer season to all minors who are 10 years of age or older and under 18, so there was an intent to include up to 18.

Vice-Chairman Stuker asked they agreed to pull it if the Department agreed to pass it, or just agreed to look at it?

Dockter explained she misspoke, the cover sheet states "Representative Lavin graciously agreed to withdraw the bill if FWP would bring it before the Commission for their consideration."

Commissioner Colton asked for clarification purposed, Vore stated that the cutoff would be 17 but the motion that was made the cutoff would under 18, so you would have 16 and 17-year old's.

Vore stated yes, it would include 17-year old's.

Chairman Vermillion asked for public comment.

Steve Schindler, TBOM, opposed to the extra days for the youth hunt because of the archery season; if the Department would implement those in the regular gun season, would have no objections.

Paul Rossignol, Montana Sportsmen for Fish and Wildlife (MSFW), have always been in support of any expansion of youth hunting; one of our mission statements is to enhance hunting, fishing and trapping; have contributed in several ways and provide funds to youth trappers and will continue to have more luck by getting kids into these sports; supports the youth deer hunt.

Marlon Clapham, MBA, opposed to the extra days during the archery season; this isn't the first time they have tried to add them to the archery season; belong before general season; not opposed to the youth, just want the archery season to stay the way it is.

Nick Gevock, MWF, need to read the article about Wisconsin's youth hunting bill with no age restrictions; 10 licenses went to children under the age of 1, there is your infant hunting bill; usually are in agreement with the MBA but MWF respectfully disagrees about this issue; do support efforts to get more kids out; the whole thing is about getting the youth out without a lot of other hunters and hopefully there is an adult guiding them; maybe we want to remove the 16 and 17 year old's ; in general support this concept to recruit new hunters.

Action on Motion: Motion passed. 5-0

21. 2018/2019 Elk Hunting Seasons and Hunting District Boundaries - Proposed

John Vore, Game Management Bureau Chief, explained in general, the proposed 2018 and 2019 elk season structure offers more liberal opportunities, simplification of regulations and more consistent season dates for shoulder seasons with an eye to simplification and harvesting more elk in over-objective districts and also proposes to adopt elk season structure for the 43 hunting districts that had shoulder seasons in 2016

on an annual basis rather than biennial to facilitate evaluation of their efficacy and revisiting their adoption on a 3-year cycle. The following changes are:

REGION 1

- HD 100/101/102/103/104/120/122/123/124/132: Add Permit to Hunt from a Vehicle (PTHFV) antlerless Elk permits valid 10/20/2018- 11/25/2018 as follows:

| HD | LPT | Quota | Quota Range |
|-----|--------|-------|-------------|
| 100 | 100-01 | 5 | 5-10 |
| 101 | 101-03 | 5 | 5-50 |
| 102 | 102-01 | 5 | 5-50 |
| 103 | 103-01 | 5 | 5-10 |
| 104 | 104-01 | 5 | 5-10 |
| 120 | 120-01 | 5 | 1-10 |
| 122 | 122-01 | 5 | 5-50 |
| 123 | 123-01 | 5 | 5-50 |
| 124 | 124-01 | 5 | 5-50 |
| 132 | 132-01 | 3 | 1-10 |

- HD 101: Remove 101-00, 101-01, 101-02 antlerless Elk permits.
- HD 101/109: Increase 199-00 antlerless permit quota range from 5-100 to 5-150, Lengthen shoulder season dates from 8/15-10/14 to 8/15-2/15.
- HD 109: Remove 109-00, 109-02 antlerless Elk permits.
- HD 121: Eliminate language regarding additional B licenses for companions for the 121-01 PTHFV antlerless Elk permit.

REGION 2

- Remove HD-specific B-Licenses: 210-03, 210-05, 296-00 (HDs 212/213), 215-02, 217-00, 240-00, 261-01, 262-01, 281-00, 283-03, 285-01, 290-00, 299-00 (HDs 290/298), 291-01, 292-00.
- Add Regional 002-00 OTC Elk B-license: HDs 201, 204, 210, 211, 212, 213, 215, 216, 217, 260, 261, 262, 270, 281, 283, 285, 290, 291, 292, 293, 298. Must purchase starting Aug 7 and before the start of the general season. Only valid on private lands excluding Weyerhaeuser, Stimson, & Nature Conservancy lands. Valid in all Region 2 HDs except HDs 200, 202, 203, 214, 240, 250, 280, 282 & 284 as in the table below:

Elk 002-00 B-License application in Region 2 hunting districts. These include new shoulder seasons in HDs 204, 211, 216, 260, 262, 283 and 293.

| HD | Season | | | Restriction |
|---|--------|--------|----------|--|
| | Opens | Closes | Type | |
| 204, 262 | 8/15 | 8/31 | Shoulder | None |
| 260 west of HWY 93 in Missoula County | 8/15 | 8/31 | Shoulder | ArchEquip, shotgun, trad handgun, muzzleloader, crossbow |
| | 9/1 | 10/19 | Archery | Arch Equip only |
| | 10/20 | 1/15 | Shoulder | ArchEquip, shotgun, trad handgun, muzzleloader, crossbow |
| 260 east of HWY 93 in Missoula County and in Ravalli County | 8/15 | 2/15 | Shoulder | Arch Equip only |
| 215 | 8/15 | 11/25 | Shoulder | None |
| 292 | 8/15 | 11/25 | Shoulder | Only valid in the Blackfoot watershed |
| 210, 211, 212, 213, 216, 217, 290, 291, 298 | 8/15 | 2/15 | Shoulder | None |
| 293 | 8/15 | 2/15 | Shoulder | Only valid in the south portion of 293. |

| | | | | |
|---|-------|-------|----------|--|
| 201, 204, 261, 262, 281, 283, 285, 292 | 9/1 | 10/14 | Archery | None |
| | 10/20 | 11/25 | General | None |
| 270 | 10/20 | 11/25 | General | Only valid in Rye-north portion |
| 283 | 11/26 | 2/15 | Shoulder | Only valid west of both Rattlesnake Creek and the Rattlesnake Wilderness/Recreation Area. |
| 204, 262 | 10/20 | 2/15 | Shoulder | None |
| 215 | 11/26 | 2/15 | Shoulder | Also valid on Spotted Dog WMA by special drawing in Deer Lodge; see regulations available from R2 542-5500 |

- HD 201: Change 201-00 antlerless Elk permit quota range from 5-300 to 5-400, valid in the entire district
Remove 201-01 antlerless Elk permit.
Remove Nine Mile-Six Mile portion restriction from general license youth and PTHFV.
Remove Nemote Creek Area and Nine Mile-Six Mile portions.
- HD 203: Add 203-00 antlerless permit (quota 150, range 25-450) only valid east of Petty Cr - Grave Cr road during archery and general seasons, holders may not hunt antlered elk in HD 203.
Add antlerless elk opportunity to the general license archery season, only valid east of Petty Cr - Grave Cr road.
Add antlerless elk opportunity to the general license general season for youth and PTHFV, only valid east of Petty Cr - Grave Cr road.
Add portion of HD 203 east of Petty Cr - Grave Cr road.
- HD 204: Change 204-00 Elk B-license to antlerless Elk permit (quota 150, range 5-200) valid in both the archery and general seasons, holders may not hunt antlered elk in HD 204.
- HD 240: Remove south of Carlton Cr language for general license – entire HD BTB for general or BTB/Antlerless for youth and PTHFV.
Add 240-01 antlerless Permit (quota 100, range 5-300) valid archery and general. Valid shoulder season (12/01-02/15) south of Mormon creek and outside the National Forest Boundary, holders may not hunt antlered elk in HD 240.
- HD 250: Add 250-00 Elk B-license (quota 10, quota range 1-25) valid in both the archery and general seasons.
- HD 260: Add early (8/15-8/31) and change late (from 12/01-01/15 to 12/01-02/15) shoulder seasons for the 260-00 B-license, include with weapons restrictions.
- HD 261: Change 261-00 Elk B-license to antlerless Elk permit (quota 35, range 5-200) valid in both the archery and general seasons.
- HD 270: Remove antlerless Elk permits 270-01, 270-03, 270-04, and 270-05.
- Change 270-00 antlerless permit to a B-license (quota 100, range 10-200) only valid north of Rye Creek during archery and general seasons, ~~holders may not hunt antlered elk in HD 270~~.
- Change 270-02 antlerless permit to a B-license (quota 200, range 20-800) only valid in East Fork/West Highway 93 portion during archery and general seasons.
- Add general license youth antlerless opportunity to current brow-tined bull archery season opportunity for youth ~~in north of Rye Creek only~~.
- Add general license antlerless opportunity during the archery only season.
- Add general license general season antlerless opportunity for youth and PTHFV.
- Remove portion West of HWY 93. Change East Fork portion to include former east fork portion and portion west of highway 93 portion.
- HD 281: Remove only valid west of the Blackfoot River restriction from 281-01 antlerless permit.
- Remove portions of HD 281 east and west of the North Blackfoot River.
- HD 293: Make 293-00 antlerless Elk permit valid in the entire district by removing the 293-south portion restriction.

REGION 3

- HDS 300/302/320/322/323/324/325/326/327/328/329/330/331/332/333/340/350/370:
Increase 399-00 B License quota from 500 to 750. This adds HDs 329/331/332/340/350/370.
- HD 309: Change 395-00 Elk B License season dates to align with the 309 general license season dates.
- HD 310: Remove 310-45 unlimited BTB permit. Allow archery and general season hunting of BTB on a general license. Not valid on FWP and USFS lands in the Gallatin Special Management Area.
- HD 312: Add late (11/26-01/01) antlerless shoulder season to the general license, not valid on National Forest land.
- HD 312/390/393: 397-00 Remove only valid on private land from all season descriptions except the early (8/15-8/31) shoulder season, add not valid on National Forest lands during the (10/20-01/01) shoulder season.
- HD 314: Change 314-00 Elk B-license to only valid on private land.
- Add PTHFV opportunity to general license general season.
- HD 317: Add antlerless opportunity and remove youth and PTHFV from general license general season.

- HD 319: Change 319-00 Elk B-license quota range from 5-400 to 5-500.
- HD 323: Remove 323-00 Elk B-license.
- HD 329/331/332: Remove 329-00 Elk B-license.
- HD 331/332: Add antlerless opportunity to the general license general season.
- HD 339/343: Combine 339-00 and 343-00 Elk B-licenses into a new 399-00 antlerless elk permit (quota 600, range 300-1000) valid in both district during the general and archery seasons, holders 16 and older may not hunt antlered elk in either of these HDs.
- HD 340: Change general license BTB/antlerless opportunity from a 2-week to a season to a 5-week general season
- Remove 340-10 BTB/Antlerless permit.
- HD 350/370: Remove 399-01 Elk B-license.
- HD 360: Remove hunters with a PTHFV restriction and add antlerless opportunity to general season general license.
- HD 380: Add antlerless opportunity during a portion of the general season 10/20-11/1, Only valid off National Forest land within the defined South and North Portions of the HD. Not valid the rest of the HD.
- Change Elk B-license quotas and quota ranges as follows:
 - 380-00 – From quota 125 (range 50-500) to quota 150 (range 50-400).
 - 380-01 – From quota 350 (range 50-500) to quota 150 (range 50-400).
 - 380-02 – From quota 325 (range 50-550) to quota 175 (range 50-400).
- HD 390/393: Change general license antlerless shoulder season (11/26-01/01) from only valid on private land to not valid on National Forest land.
- HD 391: Remove general season general license BTB/antlerless youth only restriction.
- Increase 391-00 B-license quota from 350 to 400 and add shoulder season from 11/26-01/01, only valid south of Duck Creek.

REGION 4

All R4 HDs except 410 and 455: Change 004-00 Elk B-license as follows:

| Season | | | |
|--------|-------|----------|-------------------------|
| Start | End | Type | Districts Added |
| 8/15 | 8/31 | Shoulder | 422, 423, 444, 447 |
| 9/1 | 10/14 | Archery | none |
| 10/20 | 11/25 | General | none |
| 10/15 | 2/15 | Shoulder | 411, 412 |
| 10/20 | 2/15 | Shoulder | 421, 422, 423, 444, 447 |

- HD 410: Add 410-02 Elk B-license (quota 300, range 100-500) only valid on private and DNRC lands, not valid on BLM lands or CMR Refuge.
- HD 411: Add general license shoulder season from 10/15-10/19 and extend the ~~general~~ shoulder season to 2/15, both not valid on National Forest lands.
- HD 411/511/530: Expand shoulder season for 411-00 B-license as follows:
 - August 15 – August 31 Antlerless Elk. Not valid on National Forest lands.
 - September 01 – October 14 Antlerless Elk. Archery Only Season.
 - October 15 – October 19 Antlerless Elk. Not valid on National Forest lands.
 - October 20 – February 15 Antlerless Elk.
- HD 412: Add general license shoulder season from 10/15-10/19 and extend the ~~general~~ season to 2/15.
- HD 422: Change 422-00 Elk B-license quota range from 100-350 to 25-350, add early and late shoulder seasons to general license, not valid on National Forest lands.
- HD 421/422/423/444/447: Add early (8/15-8/31) and late (11/26-02/15) general license shoulder seasons, not valid on National Forest lands.
- HD 442: Change 442-00 Elk B-license quota range from 50-300 to 25-300, add note to general season description if quota is reached, licenses would remain valid OUTSIDE National Forest boundary.
 - Add note to the general license general season as follows antlerless elk would remain valid OUTSIDE National Forest boundary.
- HD 450: Change 450-20 permit quota range from 5-10 to 1-15.
- HD 455: Change 455-00 B-license quota range from 25-250 to 25-500, add note successful 455-00 license holders may use general elk license to harvest 2nd antlerless elk in HD455.

REGION 5

- 005-00 B-license - Expand shoulder season to all HDs with season structures as in the table below.

Elk 005-00 B-License application in Region 5 hunting districts.

| Hunting Districts | Season | | | Restriction |
|--|--------|--------|-------------|---|
| | Opens | Closes | Season type | |
| 500, 502, 511, 520, 530, 540, 570, 575, 580, 590 | 8/15 | 8/31 | Early | Only valid on private land |
| 510 | 8/15 | 8/31 | Early | Only valid on private land west of HWY 310 |
| 560 | 8/15 | 8/31 | Early | Only valid on private land. Not valid in that portion in the Main Boulder River drainage south of Falls Cr. |
| 500, 502, 570, 575, 590 | 9/1 | 10/14 | Archery | None |
| 510 | 9/1 | 10/14 | Archery | Only valid west of HWY 310 |
| 511, 520, 530, 540, 560, 580 | 9/1 | 10/14 | Archery | Not valid on National Forest lands |
| 500, 502, 511, 520, 530, 540, 570, 575, 580, 590 | 10/15 | 10/19 | Dead Week | Only valid on private land |
| 510 | 10/15 | 10/19 | Dead Week | Only valid on private land west of HWY 310 |
| 560 | 10/15 | 10/19 | Dead Week | Only valid on private land. Not valid in that portion in the Main Boulder River drainage south of Falls Cr. |
| 520, 540, 560 | 10/20 | 11/25 | General | Not valid on National Forest lands |
| 500, 502, 570, 575, 590 | 10/20 | 2/15 | Late | None |
| 560 | 11/26 | 2/15 | Late | Only valid on private land. Not valid in that portion in the Main Boulder River drainage south of Falls Cr. |
| 520, 540 | 11/26 | 2/15 | Late | Not valid on National Forest lands or FWP WMAs |
| 510 | 10/20 | 2/15 | Late | Only valid west of HWY 310 |
| 511, 530, 580 | 10/20 | 2/15 | Late | Not valid on National Forest lands |

- Region 5 General License changes: Extend General License late shoulder season opportunity to 2/15 in all HDs with variations in private vs. public land .
- HD 500: Early and dead week shoulder season only valid on private land. Late shoulder season for the general license to 02/15 .
- HD 502/570/575/590: Remove 502-00, 570-00, 575-00, and 590-00 Elk B-licenses.
- HD 502/570/575: Remove private land only restriction from the late shoulder season for the general license.
- HD 510: Extend the late shoulder season for the general license to 02/15.
- HD 511/520/530: Extend the late shoulder season for the general license to 02/15 and add not valid on National Forest lands. HD 520 late shoulder season only valid north and west of the West Fork of Rock Creek.
- HD 560/540/580: Extend the 540-00, 560-00 and 580-00 B-license shoulder seasons to 02/15.
- HD 540: Extend the late shoulder season for the general license to 02/15 and add not valid on National Forest lands or FWP WMAs.
- HD 560/580: Extend the late shoulder season for the general license to 02/15 and change only valid on private land to not valid on National Forest lands.
- HD 590: General license changes: Extend late shoulder season to 02/15 and remove only valid on private land north of the Yellowstone River.
- Change early and “dead week” shoulder season and general season restriction *from* Only valid on private land north of the Yellowstone River *to* Only valid on private land.

REGION 6

- HD 620/621/622/630/631/632: Extend the 699-00 Elk B-license shoulder season to close 01/15
- HD 680/690: Extend the 696-00 Elk B-license shoulder season to close 01/15

REGION 7

- HD 700/701/702/703/704/705: Expand 007-00 B-license opportunity by removing not valid on National Forest lands or CMR Refuge restriction from the archery season
- HD 700: Remove 798-01 B License and incorporate into 007-00 B-license.
- HD 702/704/705: Change general licenses to allow spike bull harvest during the general and archery seasons
- Change the 799-00 B-license from quota 400 (range 25-400) to quota 600 (range 25-800)

2016 Shoulder Season HDs

- 43 HDs. In Regions 1, 2, 3, 4, 5 and 6 – Adopt elk season structure annually to facilitate evaluation of shoulder season efficacy and revisiting their adoption on a 3-year cycle.

Elk season comments were received during the August 20 – September 21 scoping and included interest in antlerless opportunities, special muzzleloader and senior citizen seasons, access, and comments both pro and con on shoulder seasons. In addition to public comment on proposed elk season structure changes taken during the December 7 Commission meeting, public comment will run through 5 p.m., January 24, 2018 with final adoptions at the February 2018 Commission meeting

Motion: Vice-Chairman Stuker moved and Commissioner Colton seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 elk hunting seasons and hunting districts as presented by FWP, and that all other aspects remain unchanged unless addressed in other proposals.

Chairman Vermillion asked that this motion does not include shoulder seasons.

Vore stated there will be a separate motion for shoulder seasons and will have a separate discussion.

Vice-Chairman Stuker stated there are quite a few elk archery permits that are given, but a certain percent of hunters never go out and fill their license; they can draw a permit but you also have to buy a bowhunting license, correct?

Vore explained you must have the archery-only permit as well as having to purchase a bowhunting license.

Vice-Chairman Stuker stated he's been told there are a number that never go get that permit.

Neal Whitney, Licensing Division Coordinator, explained the Commission made it a requirement to have the archery license as a pre-requisite to apply for an archery district; however, the system could not handle it, so it was a prerequisite last year that it had to be removed; couldn't abide by the Commission rules. In previous years, the Department has done a data search to determine whether people get archery permits, but do not buy the bowhunting licensing; don't know if those people are hunting illegally or if they are not using the permit at all.

Vice-Chairman Stuker stated the system does not allow us to follow the Commission guidelines; have corrections been made so that it will be able to follow it?

Whitney explained there are certain limitations with the Automated Licensing System (ALS) and until there is a new system, the Department can identify people after the fact and prompt them to get the bowhunting license, but we are unable to use it as a prerequisite as the system currently exists.

Vice-Chairman Stuker stated he knows the budgets are tight, but when do you think the Department will get a new system?

Whitney explained it will probably be three to five years before we can get authority and prerequisites done for that.

Vice-Chairman Stuker stated it bothers him that there is Commission rule on the books, but no way to enforce it.

Whitney stated he understand and yes there is no way to enforce it.

Chairman Vermillion stated it was his understanding with Hank Worsech that Department was going to have that fixed for the next biennium; is it a glitch in the system; are there any alternatives identified to allow the Department to do what the Commission has directed the Department to do...to require people to buy the bowhunting license after they receive the permit.

Whitney explained it is kind of the chicken and egg; need to let the hunters apply and they can't legally hunt without the bowhunting license; it may become an enforcement issue; basically, it is taking permits away from people who have intentions to hunt.

Vice-Chairman Stuker stated about 440 people did not get a first or second choice in 410, so it has taken the opportunity away from other Montana residents, if we are going to assume people are hunting legally. You have people who applied, but couldn't go out, but other people are playing the system.

Whitney explained when the Department does a drawing, there is no way of knowing people's intent, or how much they want it; the drawing is completely random.

Vice-Chairman Stuker asked how much the archery permit costs?

Whitney stated ten dollars.

Chairman Vermillion asked if the drawing is in early August, and you notify successful applicants of their permit status, isn't there some way to not activate the permit until proof of the archery stamp is purchased?

Whitney explained the license could be deactivated but they would hold the license already.

Chairman Vermillion asked if you are successful and you are notified in early August, you would have until August 15 to show you have the archery stamp; if you don't, then the license isn't validated correct.

Whitney stated if you don't buy the archery permit, the license isn't valid, either.

Chairman Vermillion stated if the licenses haven't been activated by August 15, then the permits would be available for surplus. The people who have the archery stamp, would be able to get permits that were held by people who didn't have the legal authority to use the permits.

Whitney explained the Department would then offer the permits to those who were unsuccessful in the drawing or would the would be offered it over the counter?

Chairman Vermillion stated he would offer them over the counter.

Commissioner Colton stated he doesn't believe there are a bunch of Montana hunters trying to game the system; there is a glitch and if you want to apply for a permit, you need to buy an archery stamp; this needs to get this fixed. These applications would be March applications. If you don't purchase an archery stamp within ten days after receiving the permit, it's invalidated. I think it would be reasonable to go back to the other applicants through the system. Do we have a count of how often this is happening?

Whitney explained it is not a huge percentage; probably between 5% and 10% of people who don't get it, which is still a large number. The nonresidents have a higher percentage that don't buy the archery stamp, which was surprising to the Department.

Commissioner Colton stated the archery stamp requirement could more pronounced in our regulations, that is what is required. If it's more nonresidents, that may be a lack of understanding of what they need.

Whitney stated it is written in the regulations that it is required; did get a lot higher participation this year.

Chairman Vermillion stated it seems like it's a smaller problem than what is perceived, but it seems like it is consistent; the Department needs to find a way to fix the problem without breaking the bank.

Director Williams stated it seems like it would be helpful to provide the Commission the numbers the Department has pulled together and the options that didn't work and report back.

Whitney replied yes, definitely.

Commissioner Colton asked how many applicants a year are kicked out of the drawing because they didn't first purchase their elk license?

Whitney explained not as many as there used to be due to the ALS system; a higher percentage of whomever buy licenses online; probably looking at several hundred.

Chairman Vermillion replied out of 100,000?

Whitney stated yes.

Vice-Chairman Stuker asked if you went to the first and second choice only in 410, how would that affect tags and hunting opportunities; way over objective in 410 and looking for ways to increase the harvest.

Whitney replied he thinks the intent is to increase the numbers of hunters who will go there; doesn't know if the Department can quantify that; have done that before to try to limit for a few archery districts for a while; most people would pick it as a second choice rather than a third choice if they had a chance; doesn't think it would affect movement of hunters much.

Commissioner Colton stated 410 archery permits are already oversubscribed; unless you put in your first choice, you aren't going to get it.

Whitney explained that happens in some of the 700 and 600 archery districts, residents pick first choice, it's not much of a big deal anymore.

Chairman Vermillion asked for public comment on the elk non-shoulder season master list.

Marlon Clapham, MBA, MBA has a proposal in the river bottom of the Bitterroot, HD 260, archery only and are asking to add an additional 25 elk licenses for the late season and the opening on August 15 in the archery only area with restrictive weapons on private land only; oppose the early opener; understands there is some elk overpopulation and other areas where they are hunting those elk on a regular basin with a lot more permits; continuously adding more weapons in the river bottom; in August when the kids are not in school, they are in the river bottom and a lot of the elk no this; oppose the early opener, they can get their damage hunts in December like it is now.

Nick Gevock, MWF, this is for the general season but tied with the shoulder season, think it is time to start looking at cow-only elk hunting on a general license in select districts; shoulder seasons are a tool in the toolbox.

Vice-Chairman Stuker asked on the elk master list on pages 5 and 6 there is a word missing; on page 5 in HD 411, it talks about extending the general season to 2/15, should it say the shoulder season to 2/15; if you look at 412 on page 6, the same language is put in. (information is corrected above in red)

Chairman Vermillion stated that is a good catch; will need to make that change.

Gevock stated there are areas where we are significantly over objective; could include extra B licenses as well as cow elk on the general licenses; this is something the Commission should consider.

Chairman Vermillion stated he looked at HD 580, and others; they are all 200 percent over objective; at what point is the Department going to either change the elk objective numbers or get serious about bringing these populations down to objective?

Vore asked if he is asking about the shoulder seasons?

Chairman Vermillion replied yes.

Vore explained the Department has been serious about addressing those issues with shoulder seasons. One of the problems, for example in Region 5, are those seasons end on January 1, effectively cutting off using less than half of that tool; know from earlier analyses that shoulder seasons that ran the full length of the season, most of the HDs made their harvest criterion. Those that missed their objective, didn't miss it by much. If all the numbers of elk that needed to be harvested from all those shoulder seasons, 95-96% achieved the harvest needed in those areas. Hunters were harvesting animals; access in Region 5 continues to be a problem.

Chairman Vermillion stated he assumes HD 580 is one of the primary examples with access problems. Have you seen any indication of that district making 50% of the needed harvest during the general season?

Vore explained in Region 5, there are eight regions, three HDs making cow harvest objectives, but 580 did not, it fell behind. Last August when this was addressed, both the general and shoulder seasons were poor harvested years; 60% of last year's long shoulder seasons met criteria. Other options are available that could be looked at. In those areas, where they are 200-500% over objective, in order to harvest elk, we need to have a season that runs later than the general season.

Vice-Chairman Stuker stated it would not be prudent to go to a cow-only season, since some landowners have bulls that come in and destroy haystacks. These were landowners who allowed hunting on their property during the general season. Can't just raise the objective levels because numbers are not being met; need to figure out why we are not meeting those levels and a way to meet them; if populations increase, we will be in the same boat again and have to raise the numbers again.

Vore explained those objective levels were obtained by looking at habitat, speaking with landowners and sportsmen in developing those population levels in the first place. This is by statute; if elk population objectives are changed, we will have to have a lot of public input and meetings.

Chairman Vermillion stated when he looks at objectives in 702, 704, 705, for an objective the size that is one-eighth of the size of Montana, is it true that the objectives for those districts is 200 to 500 elk?

Vore replied that is correct; at the time it was not but it is now. The elk populations have really grown and the Department may be able to work with landowners and sportsmen; may be able to raise those objective levels quite a bit.

Chairman Vermillion stated every two years, the legislature beats up the Department because we can't get to those numbers that were set in 2002-2003, without whole scale destruction of elk. People like those elk; the further we get away from the objectives, it becomes more arbitrary every year; everything is changing; feels like we are setting ourselves up unnecessary by sticking with these numbers that we haven't modified in 14 years.

Vore explained Region 7 is one of the areas where elk population has grown; that is a two-year undertaking to revise the objectives; it is next on the Departments docket; need dedicated staff to do this; have tools at our disposal to move elk populations to objectives; harvesting cows because of shoulder seasons, we increased cow harvest by 33 percent statewide; some areas, Region 2 for example, cow harvest was increase by 68%.

Vice-Chairman Stuker explained we have a process and we need to go through it; Region 7 is a big region, but it seems like the elk congregate into smaller areas; concerned the elk will cause property damage; need to somehow take care of concentration; if the objective levels are raised a lot and pile more into those areas that's a problem; if they were spread out all over the region it would not be a problem. Has the overall permits for Region 7 for the general elk archery season?

John Ensign, Region 7 Wildlife Manager stated there has not been a substantial increase in the numbers of permits; have a proposal to increase the 799 B-license quotas from 400 to 600 permits; looking at including spike opportunities within the general season permit.

Vice-Chairman Stuker asked if they have been decreased at all.

Ensign replied no.

Commissioner Colton stated if we were managing down to those numbers, we would be shot in the streets. The Commission doesn't have authority to adjust those numbers. A lot of subjectivity went into creating these objectives. He hears the Department saying that the shoulder season is a great fix. It is working, but they are still stymied that the elk hunting season is for seven months in Montana. It's because of the abundance, but it is also because they grew uncontrollably in areas where we don't have public access. We are back to the five-week season; struggles with the idea that this is where we are at.

Chairman Vermillion stated he was thinking about introducing an antlerless only season proposal in HD 580 for public comment. The Crazy Mountain Access Working Group has been trying to open some access. If the Commission went forward with this, we would undercut their progress on this issue and has decided to not do it. The Department will be defending their actions against the Legislature in 2019; we have done everything we can possibly do to reach objectives. The only two options are to change the objective numbers or go antlerless only. We've been down this road before and unless the shoulder seasons are successful, this will be the issue we get beat up with all the time.

Vore stated if we have shoulder seasons and we can use them, the Department feels we should use them for full effect. Former Director Hagener cautioned that if we open up the idea of revisiting population objectives, be aware that some may go down.

Director Williams stated as she traveled around the state this summer, she heard similar comments. It seems like we needed to learn more about the course we are on before shifting it midway; we need to be considering the different combination of tools. It's not whether we need to revisit the objectives, it's when. She is paying attention but didn't think it was prudent to shift course now.

Commissioner Colton asked when the Department will have the harvest numbers for 411, 511 and 530.

Vore explained because of shoulder seasons the Department cannot do any harvest surveys until after February 15

Vore stated he has two corrections to make in HD 270. On the Master List, page 3, 2nd item, it says at the end, "holders may not hunt antlered elk in HD 270." That should be stricken; that was mistakenly included. Further down, 4th item regarding Add general license youth antlerless opportunity, "add North of Rye Creek only." (information is corrected above in red)

Vice-Chairman Stuker stated we do have to do something about the numbers; if we don't have a plan, he's afraid the 2019 Legislature may have one for us, and he doesn't want to see that happen; will have a new Governor at that time and they may have a different opinion than our present one does.

Action on Motion: Motion passed. 5-0

Vore explained the Department does have a proposal for the 43 HDs that were adopted for the shoulder seasons in 2015 for the 2016 season. For those 43 hunting districts the Department is proposing to go to an annual adoption of the season structure, rather than biennial, and to facilitate evaluation of the shoulder season criterion. The following three options are for the Commission to consider:

- Without any change, the Department would follow the guidelines as adopted by the Commission in 2015 and to evaluate three seasons of harvest to see if they met the criterion; either way the Department would present that in December 2019 to take effect for the 2020-2021 biennium; that means there would be the 2019 shoulder season ongoing. The regulations get printed in March, don't have evaluation criterion available until August; it would have to be referred to in the regulations and hunters could find out the final decision on the website. The Department would prefer to go with the Commission adopted guidelines to have three full seasons to be evaluated, then proposals presented in December 2019.
- In August explain in the regulations, Department will or will not have shoulder seasons going forward and knows the regulations are confusing; the Department does have a group that is trying to simplify regulations.
- The Department would only use two years of data evaluating whether or not to go forward with the shoulder season.

Motion: Chairman Vermillion moved and Vice-Chairman Stuker seconded a motion that the Fish and Wildlife Commission adopt for public comment all three options as presented by the Department for the shoulder seasons and hunting districts.

John Vore explained the Department is proposing to go for the full-length shoulder seasons in all of Region 5 and all of Region 4 to use the tool to its' full advantage.

Chairman Vermillion stated it is important that we focus on the harvest during the general season; not going to allow the five-week season to become "outfitter only" and the shoulder season then become for Montanans; need to be true to the compromise that we would only do three

years and be focused on general harvest; don't know how complicated this would be at this time; the Department needs to focus on those districts that are not working; if we haven't changed the dynamic of the general season going into the fourth shoulder season, or August of 2018, the Department needs to prove the shoulder season is working.

Vice-Chairman Stuker stated we agreed on the three years; can look at the fourth year if need be; if the Department determines we are not meeting those objectives and wants to do away with shoulder seasons, the Department needs to present at the same time; how are we going to try to control those population numbers; would like the Department to give the Commission the latest elk numbers if you have them; has heard numbers are at 176,000, the objectives are 92,000 for the elk; need to have something in place when one goes away; can't wait for a couple of years if the population continues to grow.

Vore stated he doesn't have the numbers right now but will get them to the Commission; in the justification it states if the shoulder seasons go away, that doesn't relieve us of our statutory responsibility to meet objectives; have many options to work with.

Chairman Vermillion stated in August, if the Department comes to the Commission and the Commission decides this isn't working, it would be prudent for the Department to consider alternative options.

Commissioner Colton stated he understands the shoulder seasons and his preference would be to stay the course and not expand all of them out to February 15, but we are in a position where he doesn't know how we say no; if we don't expand them, the Legislature can say we shut them down; it's an unfortunate situation to be in; there are other tools and methods than a seven-month elk season.

Vice-Chairman Stuker stated he agrees we need to expand them, but certain landowners have said they don't want to go all the way to February 15; need to take into consideration the landowners who want the season shut off and make note so we can defend ourselves that it was private property owners who wanted them closed.

Gevock stated when this issue came up, this was a performance based shoulder seasons as well as the general season, that was the commitment the Department made to the public. The previous Director did not want these to be the old late seasons of the past and in some ways, this is what we have now' it didn't work. A four-week extension is a significant tool; if we start looking at the objectives, it needs to be a thorough evaluation; there are some landowners who want more elk; his understanding is there is not a statewide objective; as I understand it is district by district; might do more harm than good by extending these out.

Vice-Chairman Stuker explained with the amount of elk, if they were spread out equally across the state, people would like to see that, but when the elk are clustered on one person's property, they are losing \$100,00 in revenue in crops, that is his concern; if you can come up with a way to spread them out over the state, I would vote to raise the objective levels.

Action on Motion: Motion passed. 5-0

22. 2018/2019 Antelope Hunting Seasons and Hunting District Boundaries – Proposed

John Vore, Game Management Bureau Chief, explained FWP proposes adopting the existing (2017) structure except for the following changes. Proposals are based on population status and/or other circumstances.

Statewide

- Change the 900-20 archery-only license to a first-and-only choice with a separate earlier drawing. This would allow successful applicants more time to plan their hunt before the Aug. 15 opening date. It would also allow FWP biologists a much-needed extra week to complete survey flights and make final quota changes for all the other any-weapon licenses, which could then be drawn in mid-Aug. Survey flights cannot start before early July because doe/fawn groups are not aggregated any earlier, and final quota adjustments are made using data from these surveys.

Region 3

- HDs 311/313: Boundary change to accommodate expanding Paradise Valley population and make more consistent with deer/elk HD boundary. (New population has become established in this area the past several years)
- HD 319: Increase 319-20 ES quota range from 25-75 to 25-100
Increase 319-30 D/F quota range from 10-50 to 10-75
- HD 341: Increase 341-20 ES quota range from 50-350 to 50-400
- HD 350: Increase 350-20 ES quota range from 25-75 to 25-100
Add D/F 2nd opportunity to 350-20 license (up to 2 per hunter)
Remove 350-30 D/F license
- HD 370: Increase 370-20 ES quota range from 25-150 to 25-200
Add D/F 2nd opportunity to 370-20 license (up to 2 per hunter)
Remove 350-30 D/F license

Region 4

- HD 511: Decrease 520-20 quota range from 250-500 to 100-500.

Public comments were received August 20 – September 21 scoping; generally expressed satisfaction with antelope seasons. In addition to public comment at the December 7 meeting, public comment will run through 5 p.m., January 24, 2018; final adoptions will take place at the February 2018 Commission meeting.

Motion: Vice-Chairman Stuker moved and Commissioner Aldrich seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 antelope hunting seasons and hunting districts as presented by FWP, and that all other aspects of the regulations remain unchanged.

Chairman Vermillion asked with the statewide change for 900-20, as long as the 5,600 number in first-choice applicants, archers who apply for an antelope rifle tag would still have an opportunity to buy it, it doesn't become an issue unless we hit 5,600 first choice?

Vore stated that is correct, provided they did not successfully draw another either-sex choice; there has been an additional 3,000 or so that has become available.

Chairman Vermillion stated he suggests the Department needs to emphasize to the public that even though it is a first choice only, there is still a fair amount of opportunity if they are unsuccessful in drawing the rifle type; it's not that big of a change, but it feels like one.

Chairman Vermillion asked for public comment.

Marlon Clapham, MBA, supports motion; this is a bowhunter's license; understands what it is for.

Steve Schindler, Traditional Bowhunters of Montana (TBOM), supports as proposal as written.

Action on Motion: Motion passed. 5-0

23. 2018/2019 Moose/Bighorn Sheep/Mountain Goat/Bison Hunting Seasons and Hunting District Boundaries - Proposed

John Vore, Game Management Bureau Chief, FWP proposes adopting existing (2017) season structures except for the following changes: (Proposals are based on population status and/or other circumstances)

MOOSE

Region 3: HD 302: Add 302-00 Antlerless moose license (quota 2, range 1-4) valid 9/15 - 11/25
HD 323: Change 323-00 and 323-50 moose seasons end date from 11/25 to 12/15
HD 326: Change 326-50 increase quota range from 1-4 to 1-6

Region 4: HD 441: Change HD boundary to better align hunter expectations with moose hunting opportunity.

BIGHORN SHEEP

Region 1: HD 100: Increase Either-sex 100-20 from 2 to 3

Region 3: HD 304: Re-open HD 304 - Hyalite, Either-sex 304-21 (quota 1, range 1-3)
HD 330: New HD – Greenhorn Mountains, establish limited bighorn sheep license 330-10 Any ram (quota 1, range 1-5)

Region 4: HD 455: Increase Either-sex quota range from 1-2 to 1-4
HD 482: Harvested rams must be checked in the region

MOUNTAIN GOAT

Regions 1, 2, and 4: In all HDs in Regions 1, 2 and 4 it is illegal to take a female mountain goat accompanying a kid or a female mountain goat in a group that contains one or more kids.

Region 1: HDs 131, 132, 134, 141, 151 - Close hunting districts

Region 3: HD 313: Change 313-20 ES license from quota 30 (range 15-100) to quota 15 (range 5-100)
Decrease 313-30 Adult Female license from quota 25 (range 5-35) to quota 5 (range 1-35)
HD 314: Increase 314-20 ES license from quota 20 to 30
HD 330: Decrease 330-20 ES license from quota 3 (range 3-12) to quota 1 (range 1-12)
HD 350 North Big Belt Mountains: New HD, establish goat license 350-20 quota 1 (range 1-2)

Region 4: HD 414 & 442: Close hunting districts

BISON

Region 3: HD 395: The West Yellowstone Area – Create new boundaries for northern and southern portions and rename them Gallatin Watershed and Madison Watershed Portions.

Close the new north Gallatin Watershed portion

Comments were received during the August 20 – September 21 scoping and included thoughts on drawing odds, lower moose populations and predators. In addition to public comment at the December 7 Commission meeting, public comment will run through 5 p.m., January 24, 2018 with final adoptions at the February 2018 Commission meeting.

Motion: Commissioner Colton moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 moose, bighorn sheep, mountain goat, and bison Hunting Seasons and Hunting Districts as presented by FWP. All other aspects of the seasons will remain unchanged unless addressed in other proposals.

Commissioner Brower asked how does the Department tell someone you can't shoot a goat with a kid?

Vore stated the Department has discussed this question; unless someone is there to see it happen, it is difficult to enforce. This has proven effective in British Columbia with the exception of one word: British Columbia's regulations says "hunt," FWP changed the word to "take" a female mountain goat; unless a warden is right there to see the offense, it is difficult to enforce.

Vice-Chairman Stuker asked what is happening with the Tendoy sheep.

Vore stated the Department is having difficulty getting the last few sheep in there; public hunts have been held for two years and quite a few were removed; don't know what happened to the last eight or ten sheep; will reintroduce sheep when the Department is sure there are no more in the area.

Chairman Vermillion asked if the sheep total population in the Greenhorns gone down?

Vore explained there are enough sheep in the Greenhorns to support the harvest of one animal.

Howard Burt, Region 3 Wildlife Manager explained the Greenhorn heard are observed sheep; it's rugged country; suspects there are more than 59 sheep in the herd; last survey indicated there were 19 rams; 16 adult rams in 2017, and 7 3/4 curl rams or better.

Chairman Vermillion asked for public comment.

Chairman Vermillion commended the biologists for working toward re-opening HD 304.

Commissioner Aldrich stated he thinks the public will probably be pleased with this proposal for mountain goats and we may be able to help British Columbia with some shared information; think that there is a future.

Action on Motion: Motion passed. 5-0

24. 2018/2019 Black Bear/Mountain Lion/Wolf Hunting Seasons and Hunting District Boundaries – Proposal

John Vore, Game Management Bureau Chief, stated there are no proposed changes to wolf regulations. FWP proposes two changes to black bear and mountain lion regulations:

BLACK BEAR

- BMU 700: Increase spring quota from 2 to 4

MOUNTAIN LION

- HD 124: Increase quota from 5 (male subquota 2) to 7 (male subquota 2)

Comments were received during the August 20 – September 21 public scoping; there were few comments about black bears, but several about too many lions; wolf comments varied from anti-wolf to pro-wolf. In addition to public comment on proposed season structure changes taken during the December 7 commission meeting, public comment will run through 5 p.m. January 24, 2018 and final adoptions at the February 2018 commission meeting.

Motion: Commissioner Brower moved and Vice-Chairman Stuker seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 Black Bear, Mountain Lion and Wolf Hunting Seasons and Hunting Districts as presented by FWP, and that all other aspects of these seasons remain unchanged.

Chairman Vermillion stated he remembers when it was decided to move wolf to the season setting; thought we would get a lot more substantive comments on our wolf proposals and there are lot of people here today; what is the status of the wolf population?

Vore stated he doesn't have that number off the top of his head; wolf population is doing well and is well distributed, genetically connected.

Director Williams asked when is the annual report on wolves completed?

Vore stated the report is completed in the summer; moving away from the wolf counts that the Department used to do, very labor intensive; moving to a patch occupancy model, which is a better estimator of the population; there are two Ph.D. students from the University of Montana that will complete the project in the next couple of years; they are looking at wolf numbers per pack and looking at different ways of analyzing the data.

Vice-Chairman Stuker asked regarding Senate Bill (SB) 200 and the defense of property, how many wolves were taken since the last count?

Vore stated he doesn't have them on top of my head; the count is usually very low; seldom even get 20 to 25.

Vice-Chairman Stuker stated it is usually under 10; if it hits 25, it would have to come back to the Commission. Do we keep track of the mortality in 313, 316 and 110 on how many are hit by cars or accidentally trapped?

Vore stated yes, we do.

Vice-Chairman Stuker asked if the Commission could get those numbers to them and would also like the numbers under SB 200 in defense of property.

Chairman Vermillion asked for public comment.

Marc Cooke, Wolves of the Rockies (WOR), can't figure out why we have been talking about an excess of elk when part of the answer is wolves and other large carnivores; wolves are part of the answer to this problem and the CWD problem. I have heard the number of elk are about 170,000; depredation is about 50 animals; when there is a probable or confirmed kill, they are being reimbursed; worked with the Livestock Loss Board to make sure the funding is there for people with losses and will continue to do so. Hoping will get mountain lions at the next legislative session; seems if the Commission doesn't do something, the legislature will do it for you. Half of the wolves that are lost in Montana are along the Yellowstone area; would like to see that quota in that area go down to one in Wolf Management Unit (WMU) 313; have been trying to get the Wolf Weekly; helps him prepare honest, respectful comments; seems like the Department is adamantly opposed to giving this information to me. Social tolerance continues to improve for wolves and other large carnivores for the most part; doesn't believe the Department's leadership is taking the side of non-consumptive individuals that want to see animals on the landscape. WMU 101, 290 and 390 would be a good place to lower the quota; this would help with the CWD; would like to see a shortening of the season for rifle season for wolves to coincide with the trapping season. CWD is going to be far worse than what's going on with wolves which are the first line of defense; hopes the Commission will take his comments into account and hopefully enact some.

KC York, Trap Free Montana Public Lands (TFMPL), according to FWP reports, 48 mountain lions were reported trapped in a two-year period; 84 percent of them were dead or injured; haven't received the updated, additional information requested; want to know if it's being tracked, their sex, age and why these incidental takes aren't part of the mountain lion quota. Since the onset of hunting and trapping began, FWP implied that we were going to learn as we go; given the ongoing talk of the overpopulation of prey and CWD, want to see the science that supports not making any changes to the Wolf Management Decision for two years.

Steven Clevidence, Stevensville, CWD disease concerns him; suggests using every tool to slow or eradicate CWD and that includes native predators; suggests FWP implement a two-year moratorium on wolf hunting in the Greater Yellowstone Ecosystem (GYE) to study the effects that wolves and other predators have on slowing the spread of the disease vs. other areas of the state.

Erin Edge, Defenders of Wildlife DOW, concerned about the lack of information going into a two-year biennial season; would like to see an annual report made available, numbers for previous years, the effects of harvest on trend, and how can that be used for management decisions on take; it's time to manage for a stable population, look closely at the science and see if there are steps that need to be taken to institute something like a statewide quota system, shortening the wolf season and reducing the number of wolves one hunter can take.

Chairman Vermillion stated it seems like there is a recurring theme that people are craving more information as it relates to the wolf report or wolf weekly.

Vore explained the Department has gotten away from the wolf weekly; the information is still available; the Department is moving more and more to managing wolves like all other species; don't put out a weekly report for other big game animals; has been discussion to discontinue an annual wolf report; that information is available to Mr. Cooke; the Department celebrates the wolf recovery population and try to keep those conflicts to a minimum; spend a lot of time and money to improve wolf management.

Quentin Kujala, Wildlife Management Section Chief, would like to address Mr. Cooke's request; we did make an initial reply to his request and thought he received all the information he was asking for but understand now it was not; if he can wait until the person who can work with the data base is available, will make sure it will be done as soon as possible; thanks Mr. Cooke for his patience.

Action on Motion: Motion Passed. 5-0.

25. 2018/2019 Biennial Quota Ranges – Proposed

John Vore, Game Management Bureau Chief, explained FWP is seeking Commission approval for the 2018-2019 quota ranges for limited entry licenses and permits. These quota ranges are adopted by the Commission biennially during the regular season-setting cycle; biologists and managers do not need Commission approval to make changes to license/permit quotas that are within the adopted range; changes outside adopted ranges require Commission approval. This expedites and simplifies annual quota adjustments; these quotas represent authority and limits to the number of licenses/permits that may be offered by FWP. Biologists often make final within-range quota adjustments after scheduled Commission meetings but before licenses and permits are drawn. In addition to public comment at the December 7 Commission meeting, public comment will run through 5 p.m., January 24, 2018 and any final adoptions will take place at the February 2018 commission meeting.

Motion: Vice-Chairman Stuker moved and Chairman Vermillion seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 biennial quota ranges as proposed by FWP.

Chairman Vermillion asked for public comment.

Marc Cooke, WOR, does this applies to wolves and, if it does, wants to know and if it does, would oppose it.

Vore stated no, it does not apply to wolves.

Chairman Vermillion stated the table of the 654 licenses and permits for the quota ranges was left out of the Commission packet; asked to provide the information before the February meeting.

Action on Motion: Motion Passed. 5-0.

26. 2018/2019 Turkey/Upland Game Bird/Migratory Birds Regulations and Quotas – Proposed

John Vore, Game Management Bureau Chief, explained FWP proposes adopting the existing 2017 Turkey/Upland Game Bird/Migratory Birds Regulations and Quotas structures except for the following changes:

TURKEY

- Statewide: Make crossbows legal during the fall turkey season.
- Regions 2 and 3: Go to a general license opportunity
-

The use of crossbows for fall turkeys would make regulations consistent with those for forest grouse where rifles, handguns and crossbows are legal. Spring turkey means of taking would not change. The exclusion of rifles and handguns during the spring turkey season is an important safety consideration because hunters are usually camouflaged and use calls and decoys that could potentially invite a shot at a decoy from another hunter at long range with a rifle or handgun. Turkey populations in Regions 2 and 3 are doing well; they are robust, broadly distributed and productive; currently, Missoula and Ravalli Counties in Region 2 are general license opportunities; this proposal would make it so for the rest of Region 2 and all of Region 3 and would create more and equitable opportunity for turkey hunting in areas where turkey populations are thriving. It would also give landowners additional means to address problems with too many turkeys on their property, something the Department has heard more of, especially in parts of Region 3. Except for calendar rotation, all other aspects for turkey, upland birds and migratory bird regulations are to remain unchanged from the 2017 regulations. The crossbow proposal came to FWP from an interested public.

In addition to public comment at the December 7 Commission meeting, public comment will run through 5 p.m., January 24, 2018 and any final adoptions will take place at the February 2018 commission meeting.

Motion: Commissioner Aldrich moved and Vice-Chairman Stuker seconded that the Fish and Wildlife Commission adopt for public comment the changes to the turkey regulations and no changes to upland birds and migratory birds as presented by FWP. All other aspects of these seasons are to remain unchanged.

Chairman Vermillion thanked Region 3 for putting the general license opportunity in Region 3 for turkeys; appreciates the Department listening to public comment and getting that out there.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed. 5-0.

27. 2018/2019 Hunting District Boundaries – Proposed

John Vore, Game Management Bureau Chief, stated FWP is proposing several HD boundary changes to facilitate management or increase opportunity. All changes are listed below, all other regulations and descriptions of boundary changes will remain unchanged.

DEER, ELK, MOUNTAIN LION, BEAR HD BOUNDARY CHANGES

- **HD 130:** Create Swan River Refuge Weapons Restriction Area for archery-equipment-only hunting of deer, elk, black bear, mountain lion and wolf.

- HD 204/260: Change district boundary from a powerline to the Bitterroot River
- HD 240: Remove south of Carlton Creek portion
- HD 270: Remove portion West of HWY 93. Change East Fork portion to include both former East Fork and West of HWY 93 portions.
- HD 281: Remove portions of HD 281 east and west of the North Blackfoot River
- HD 309/312: Change boundary by moving 300 acres between Cactus road and Hamilton road from HD 309 to HD 312
- HD 590/702: Change the HDs 590/702 boundary from Highway 47 to the east bank of the Bighorn River

ANTELOPE HD BOUNDARY CHANGES

- HD 311: Change boundary to accommodate HD 313 expansion
- HD 313: Expand north because of expanding population and make boundary consistent with deer/elk HDs
- HD 511: Change eastern boundary consistent with deer/elk HDs 590/702 boundary change.

MOOSE HD BOUNDARY CHANGES

- HD 441: Change HD boundary to better align hunter expectations with moose hunting opportunity.

BISON HD BOUNDARY CHANGES

- HD 395: West Yellowstone Area – Create new and expanded boundaries for northern and southern portions and rename them Gallatin Watershed and Madison Watershed Portions.

In addition to public comment at the December 7 Commission meeting, public comment will run through 5 p.m., January 24, 2018 and any final adoptions will take place at the February 2018 commission meeting.

Motion: Commissioner Colton moved and Chairman Vermillion seconded the Fish and Wildlife commission adopt for public comment the 2018 and 2019 changes to Hunting District boundaries as presented by FWP, and that all other regulations and descriptions of boundary changes will remain unchanged.

Chairman Vermillion asked for public comment.

Action on Motion: Motion Passed. 5-0.

28. 2018/2019 Hunting Season Dates – Proposed

John Vore, Game Management Bureau Chief, explained season dates are currently adopted biennially for all game species. This happens every other winter with adoptions in December and final adoptions in February. These dates are a combination of fixed dates (mountain grouse season September 1 opener) and “formula” dates (general deer and elk is defined by counting backwards five weeks from Thanksgiving Sunday). For the “formula” dates, there is an annual change due to the progression of the calendar from one year to another; that means at least one day’s difference and, periodically, nearly a full week; in some cases, these annual movements can place season dates in conflict with public expectations or traditions. Some specific areas have exceptions to these general statewide dates by species; those exceptions are also proposed again for 2018 and 2019 or are proposed to be different within individual species-specific proposals. There are no proposed changes in date definitions from 2016-2017. The table below lists the proposed 2018-2019 season. The proposed 2018 two-day statewide youth deer hunting season scheduled during Montana Education Association (MEA) conference; days will not overlap the last Thursday and Friday of the statewide archery season and will occur on the Thursday and Friday of the week between archery and general seasons; however, the proposed youth hunt days for 2019 will overlap.

| Season | Dates/Process |
|---------------------------|---|
| Antelope 900 | 8/15 – 11/11 (8/15 to 2 nd Sunday in November) |
| Antelope archery | 9/1 – 10/5 (First Saturday of September to Friday of Columbus Day weekend) |
| Antelope general | 10/6 – 11/11 (Saturday of Columbus Day weekend to 2 nd Sunday in November) |
| Moose/sheep/goat | 9/15 – 11/25 (9/15 to Sunday after Thanksgiving; some districts vary) |
| Sheep archery | 9/1 – 9/14 (First Saturday of September to 9/14) |
| Bison | 11/15 – 2/15 |
| Black bear spring | 4/15 – 5/31 (some districts end later) |
| Black bear fall – archery | 9/1 – 9/14 (First Saturday of September to 9/14) |
| Black bear fall | 9/15 – 11/25 (9/15 to Sunday after Thanksgiving) |
| Deer/elk/lion archery | 9/1 – 10/14 (First Sat in Sept to Sunday before general deer/elk opener) |
| Deer/elk backcountry | 9/15 – 11/25 (9/15 to Sunday after Thanksgiving) |
| Deer youth | 10/18– 10/19 (MEA days; 3 rd Thursday and Friday of October) |
| Deer/elk general | 10/20 – 11/25 (37 days ending Thanksgiving Sunday—Saturday start) |
| Deer/elk shoulder seasons | 8/15 – 2/15 (Varying dates before and/or after the archery and general seasons.) |
| Mountain lion fall | 10/20 – 11/25 (37 days ending Thanksgiving Sunday—Saturday start) |
| Mountain lion winter | 12/1 – 4/14 |

| | |
|---------------------------------|---|
| Sage grouse | 9/1 – 9/30 |
| Sharp-tailed grouse | 9/1 – 1/1 |
| Mountain grouse | 9/1 – 1/1 |
| Partridge | 9/1 – 1/1 (9/1 to 1/10 for portion of Carbon County) |
| Pheasant | 10/6 – 1/1 (Saturday of Columbus Day weekend to 1/1) |
| Youth Pheasant/Youth Waterfowl | 9/22 – 9/23 (weekend before start of general waterfowl) |
| General Waterfowl | 9/29 Start date (Saturday nearest 10/1; End date to be adopted April 2018 per federal frameworks) |
| Sandhill Crane Drawing | 9/8 – End date to be adopted April 2018 per federal frameworks |
| Sandhill Crane Over-the-Counter | 9/29 - End date to be adopted April 2018 per federal frameworks |
| Turkey spring | 4/14 – 5/20 (2nd Saturday in April to 3 rd Sunday in May) |
| Turkey fall | 9/1 – 1/1 |

In addition to public comment at the December 7 Commission meeting, public comment will run through 5 p.m., January 24, 2018 and any final adoptions will take place at the February 2018 commission meeting.

Motion: *Commissioner Colton moved and Commissioner Brower seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 Hunting Seasons Dates as proposed by FWP.*

Chairman Vermillion asked for public comment.

Marc Cooke, WOR, 2018-19 elk shoulder seasons should be extended to February 15, rather than the ones in Region 5 to shut down before February 15 in the 2018-19 season?

Action on Motion: *Motion Passed. 5-0.*

29. 2018/2019 Game Damage/Management Season/Wildlife Health/Chronic Wasting Disease Hunts Quota Authorizations – Proposed

John Vore, Game Management Bureau Chief, explained Game Damage/Management Season/Wildlife Health quotas have long been adopted for each region for deer, elk and antelope. These quotas represent authority and limits to prescribed harvest from any future game damage hunts and/or management seasons and hunts to address wildlife health issues such as brucellosis; a new and separate item included here are deer, elk and moose quotas for any Special CWD Hunts that may occur in responding to CWD detections anywhere in the state; these quotas represent the upper limits to potential prescribed harvest, not necessarily permit/license numbers or hunter numbers.

| Region | Deer | Elk | Antelope |
|--------|------|------|----------|
| 1 | 800 | 500 | 0 |
| 2 | 400 | 1000 | 20 |
| 3 | 1400 | 2000 | 200 |
| 4 | 750 | 1000 | 450 |
| 5 | 1400 | 600 | 300 |
| 6 | 2000 | 500 | 100 |
| 7 | 2000 | 200 | 500 |

Special CWD Hunt maximum harvest quotas for 2018 and 2019.

| Deer | Elk | Moose |
|------|------|-------|
| 5000 | 1000 | 20 |

In addition to public comment at the December 7 Commission meeting, public comment will run through 5 p.m., January 24, 2018 and any final adoptions will take place at the February 2018 commission meeting.

Motion: *Commissioner Brower moved and Commissioner Colton seconded the Fish and Wildlife Commission adopt for public comment the 2018 and 2019 Game Damage and Management Season and Special Chronic Wasting Disease Hunt Quota authorizations as proposed by FWP.*

Commissioner Aldrich asked if the Department has any numbers on the game damage take in different regions? Would like to look at them.

Vore stated he will get the numbers to the Commission.

Chairman Vermillion stated he got a call from a hunter who signed up for the game damage hunt, but because of the shoulder season, he felt like he wasted his opportunity to sign up, the chance of having a damage hunt after a robust shoulder season are low. Wonders if the Department can do something to notify people on the roster sign-up that can give people notice.

Quentin Kujala, stated the Department will look into game damage harvest totals; that is a number the Department has struggled with to assemble statewide; there is not mandatory reporting of game damage management hunts; have a new tracking database that will ask wardens and biologists to fill in to the best of their estimation; think the answer gets better from this point forward.

Vice-Chairman Stuker stated he doesn't understand why we can't implement a mandatory reporting on game damage management hunts because some regions have good data and other regions don't have any; making some strides towards that; would make his job easier if we know how successful they were and the amounts. The CWD hunt maximum harvest quotas are over and above; they do not come out of the game damage hunts harvest, correct?

Vore answered that is correct.

Action on Motion: Motion Passed. 5-0.

Chairman Vermillion explained the Commission decided to write a letter to the Wyoming Commission to politely ask that they consider the possibility of eventually addressing the feed grounds in northern Wyoming. The scientists that he has spoken to over the past six years have identified the feed ground as a primary vector for the potential spread of this disease. The Department is going to spend a lot of time and resources in dealing with this disease. The thought of shooting 1,000 deer just to find out the extent and curb this disease, the Commission knows it is something they have to do. If we are doing that in Montana and there's no change south of the border, he is unclear as to how we will solve CWD as long as the feed grounds are allowed to pollute the elk and deer herds in northern Wyoming and southern Montana. The Commission knows we don't have the power to compel them to do anything, but hopes that we will start to see some movement on this because now we have to deal with it and it's unfair to the people of Montana.

30. Bridger Special Chronic Wasting Disease Hunt – Final

John Vore, Game Management Bureau Chief, explained the Department has been following the proposed action plan even though it had not yet been approved by the Commission. Thanked Barb Beck, Region 5 Supervisor, who assembled an incident command team and Vore thanked everyone who worked on the incident command team. The team has pulled together and made some excellent changes.

Director Williams also thanked the incident command team for their professionalism and level of commitment; has been great.

Vore explained CWD is an always-fatal neurologic disease like mad cow disease that affects deer, elk, moose and caribou; it usually takes 1½ - 2 years from animal infection to death. Given enough time, perhaps decades, to infect a large portion of a herd ($\geq 20\%$), CWD can cause population declines of $\geq 30\%$. There are no known risks to livestock or humans. On November 7, before CWD was found in Montana, FWP presented a draft CWD management plan to the Commission which was adopted to go out for public comment; FWP informed the Commission if CWD was found before final adoption of the plan, FWP was prepared to put the plan in action. As of December 6, CWD has been confirmed in six deer in HDs 502 and 510; as outlined in the draft Plan, FWP has assembled an Incident Command team and initiated a response, including plans for a Bridger Special CWD Hunt to determine disease prevalence in the infected herd; the Department has defined an Initial Response Area (IRA) around the known positives and determined there are approximately 5,100 white-tailed and 6,100 mule deer within that area, and determined the need to harvest and sample 200 mule deer and 200 white-tailed deer. The Department is seeking authority for 600 mule deer and 600 white-tail B Licenses for the Bridger Special CWD Hunt. Licenses will be only valid within the IRA with 500 antlerless-only and 100 either-sex licenses issued for each species. Licenses would go on sale beginning December 11 for the hunt to begin December 15; the hunt will end when 200 animals of each species are sampled or on February 15, whichever comes first. It is possible that the hunt for one species will end while the hunt for the other continues. Special regulations, a map, and other specifics of the Bridger Special CWD Hunt are ready to be publicly disseminated upon approval of the hunt and was given to the commission at this meeting; all definition of the hunt and licenses are within statutory and Commission authority. FWP has informed area residents and landowners of finding CWD and the Departments plans for management with public information through several venues plus letters and public meetings. There have been repeated updates on CWD findings and FWP's plans, plus public meetings in Bridger and Red Lodge; another public meeting will be held in Joliet on December 14.

Motion: Commissioner Colton moved and Chairman Vermillion seconded the Fish and Wildlife Commission approve the Bridger Special Chronic Wasting Disease Hunt as presented by FWP.

Vice-Chairman Stuker stated he was told that predators can help clean up CWD and has also been told that they can spread the disease through their waste so that is also a concern; do we know what percent of the prions stay alive and are passed through?

Vore explained the prions are amazingly tough; they are resistant to any disinfectant; it takes 1700 degrees to deactivate them; you can't just throw them in a campfire. Those are all potential vectors for moving the disease around the landscape, but the primary vector is the live animal on the landscape through contact with other animals. The Rocky Mountain Elk Foundation (RMEF), and Mule Deer Foundation (MDF) have helped provide funds for this issue; acknowledge and thanked both for their contributions.

Commissioner Brower asked what happens if the 200-harvest quota for each species is not met?

Vore explained this is a disease that travels slowly through a population and the Department can re-visit it again next year if need be; can also take samples during the general season; the Department does think getting 200 of each species is achievable; don't know if hunters will be willing to buy a license.

Vice-Chairman Stuker asked with CWD in some of these areas, and as a landowner would you say that anyone taking a deer on their property has to take 100 percent of the carcass off their property? Is the Department looking at this or is that up to the landowner?

Vore explained that is up to the individual landowner; the Department cannot tell a landowner that they have to do it; in the Further Hunt Information section of the plan, it says "the spinal column may be left in the field at the kill site with landowner permission; that is a possible vector having that skeleton on the land, but is less of a concern than having the live animal there.

Chairman Vermillion asked if any samples from elk this fall that would have been able to provide CWD data?

Vore stated he doesn't have numbers, but the Department has been taking samples from all cervids: mule deer, white-tailed deer, elk and moose; prevalence levels in mule deer tend to be higher than those in elk.

Chairman Vermillion asked what is the percentage?

Vore explained it varies; in deer populations that have had CWD for decades, when population declines in at 30 or 40 percent in deer that's when you start to see populations decline; in elk, you don't see that level of infection rate; that may change over the course of years; the Department now has several decades of data to look at; it takes a while to manifest itself as population level declines; that is why the Department wants to sample mule deer even if we first found it in elk.

Chairman Vermillion asked if there is any evidence that CWD can mutate over time, like an average bacteria or is it steady?

Vore explained there are different strains of CWD, it's not a living organism like a bacteria or virus; it is a protein that is different than proteins in cattle for example; to date, the Department has not seen any cross-germination or infection; there are different strains and it's an ongoing field of research.

Chairman Vermillion asked if the Department has considered the role that predators can play in weeding out the sick and help preventing the spread of CWD?

Vore stated predators do weed out the very sick, but by the time the animal shows severe symptoms it is very near to death; the disease takes 1 ½ years to 2 years before the symptoms show up; they look healthy until the late stages of the disease; during the late stages predators could take them out.

Chairman Vermillion asked if the Department is planning a public information campaign? Are we encouraging people to call us when they see a sick animal?

Vore stated yes, we do have an active public information campaign ongoing; sent out a letter to people who live near by the possible Bridger hunt and might want to hunt; we've had public media on radio, newspapers, tv and trying to get the word out as much as possible; encourage people to call the Department if they see a sick animal.

Vice-Chairman Stuker asked since the Department is looking at different strains, when you look at HDs 401 and 510, is the Department trying to isolate which strains they are or are you looking at that at all?

Vore stated he cannot answer that; that's more in depth than the samples testing the Department is having done at Colorado State University.

Vice-Chairman Stuker asked when will the Department have the results of the samples back from the regular season?

Vore stated the Department received them yesterday (December 6).

Vice-Chairman Stuker stated so we know what is out there from the season?

Vore stated correct, the Department used the end of the hunting season as the cutoff date; there are still samples coming in from people who harvested an animal and bringing it in to FWP. The Department's surveillance effort focuses on focus areas where we expect to find the disease; focused on Region 5 and part of Region 3; did not focus on the whole state; the sample from HD 401 was a research animal and we took a sample from after it was harvested.

Vice-Chairman Stuker stated he was told there were samples being taken at the Havre check station and there was one taken on his property; they were gathered the Tuesday after the hunting season and wondered if those were back; just curious if we were in the clear outside of the areas where CWD was found.

Vore stated he doesn't know; it usually takes ten or so days to get the results back; after the motion and vote here, I have an informational piece regarding HD 401; a positive was found in HD 401; have an incident command team in Region 4 and going through the same process; will define a hunt for that area and we will get back to the Commission for final approval once that hunt is set.

Chairman Vermillion stated the Commission doesn't have a scheduled meeting in January, sounds like we may have to have a conference call.

Vice-Chairman Stuker stated he talked to Gary Bertellotti and gave me some of that information; he wanted to start the hunt by January 1.

Chairman Vermillion asked for public comment.

Nick Gevock, MWF, had a wildlife committee conference on Monday; amazed at how quickly the Department acted; support the special hunt and it should include white-tailed deer and elk; elk can be sampled from road kill and shoulder seasons; realize these hunts are to get a valid scientific sample; encourages the Department to initiate a working group with neighboring states and provinces to work on this; other states have lived with this; don't want it here; predators will play a role in culling infected animals; encourages Commissioners to work with legislators and nonprofit groups; might take legislation to work on it; it's probably low prevalence but in some areas mule deer populations can be infected by about 30 percent; helped solve the game farm problem in 2000 and we are proud of that; hunters will show up as they always do; stand ready to help the Department.

Dave Pac, Helena, commends the Department for their rapid response to this issue; the Department conducted work related to CWD as early as 2004; the Department is making a conservative approach to this issue; when trying to collect samples in a hunting season, may get concentrations in some areas and voids in other; encourage the Department to evaluate how this hunt proceeds, if they don't meet sample quotas, employ collection permits for FWP staff that would collect the animals to bring those samples to a reasonable level.

Mary Ellen Schnur, Broadwater County Rod and Gun Club, commends the Department for their work on this issue; if a person kills a deer in the special hunt and the deer is positive for CWD, then that person has already invested \$100 in processing and has meat that cannot be used; is the Department considering reimbursing the cost of the license?

Vore stated the Department wouldn't reimburse the money for the license, but another license could be issued if that is the case.

KC York, TFMPL, thanks the Department for their quick and considerable attention to this issue; given elk alone are estimated at over 70,000 over management objectives and similar reports for deer populations, it's really not surprising that this disease has made its way to Montana; it's Nature's way; yet to ignore science, severely handicap or extinguish through increased quotas, or in the case of wolves no quota, their natural role in selecting the weak and the diseased prey is a disservice to both species; an unconfirmed study shows that where wolves in Wisconsin exist, CWD does not exist; other confirmed studies have shown serious ailments in what otherwise appear to be healthy animals that wolves have preyed on; we all insist on science-based wildlife management; urges the Commission to enable the predators' role; there is much to be learned and we can't afford to remove any natural tools from the tool box.

Chairman Vermillion stated It is clear the Commission appreciates all the hard work the Department has put in on this; this is when sportsmen and sportswomen rely on the Department; good luck and it's a tough situation; hopefully, we are successful because failure is a bad outcome.

Action on Motion: Motion Passed. 5-0.

31. Public Comment – For Issues Not On This Agenda -Adjournment

Marc Cooke, WOR, attended a CAC meeting in Missoula where Dr. Jennifer Ramsey talked about CWD; learned there is an opportunity for the Department to work with the Department of Livestock (DOL); encourages the State of Montana to buy the equipment, get accredited and start testing for CWD in Montana and not have to send it out to Colorado.

Paul Rossignol, landowner in Region 2, knows we are not allowed to use road kill as bait for trapping, but in talking with Montana Department of Transportation (MDOT) workers, it seems like it would save money, if these workers could drop roadkill at his ranch, taxpayers wouldn't have to pay for the disposal at the dump and the time of the employees; Idaho does this and it would be a good balance in parts of Montana to use roadkill as bait. There are areas in western Montana where the ungulate populations are way under objective; watches bears in the 200 WMU and there were no signs of bears in early December; thinks we should begin the season where there are no grizzlies on December 1; would hopefully bring back some of the deer and elk that are missing along the Idaho Divide. Under ARM Rule or SB 200, the shooting of wolves around livestock is almost impossible; don't see the wolves in the daylight but he can see them at night on his cameras; if we could use trapping when we know there are wolves in proximity and a potential threat to livestock, that would help us manage wolves; there are times when ranchers lost calves in the spring several times and Wildlife Services did not have the funds to be able to capture those wolves and get rid of the ones that were killing livestock; if ranchers or agents of ranchers could trap, we could mitigate some of the problems with wolves that are depredating on livestock.

Susan Belo (sp), Bozeman, last month there were newspaper articles that said two hunters had time to fire warning shots before they shot and killed grizzly bears; the article said three cubs would probably not make it on their own; wonders if the hunters had bear spray as they probably

would have had time to use it if they had time to fire warning shots; spoke with the warden who handled the grizzly killing and he said the hunter did not have bear spray; she carries bear spray and knows how to use it; she came across a US Fish and Wildlife Service (FWS) fact sheet that said people who defend themselves against bear attacks with firearms were injured about 50 percent of the time while people who defend themselves with bear spray escaped injury most of the time; do you think it's okay that hunters don't have to carry bear spray; do you think it's okay for anyone to kill a bear or any animal that makes them feel threatened; would like to propose a policy suggestion to require hunters to take bear avoidance safety technique classes; carry bear spray on the hip and know when and how to use it; regarding bear avoidance, awareness of bear behavior is the key to mitigating potential dangers; consider making a video to show or provide books during hunter education classes; game wardens could ask to see bear spray along with hunting licenses; grizzlies will be delisted at some point in time and now is the time to step up efforts to increase hunter and bear safety.

David Slausser (sp), Gallatin Valley, please reconsider large bore, pre-charged pneumatic weapons for hunting deer and other big game animals; these are known as air rifles; calibers range from 35 to 50 caliber; powerful as a 9mm or a .38 caliber pistol round; it is a lethal and humane way to hunt big game; have a small farm in a weapons restricted area; very accurate, it's an appropriate weapon for humane purposes; quiet and the report doesn't scare livestock or rile up nearby neighbors; about half of the states allow these; Arizona allows 35 or larger air rifles for several big game animals; has one if anyone would like to try it.

Chairman Vermillion stated it doesn't think the Department or the Commission have jurisdiction as it relates to firearms; there was a statute passed several years ago that jurisdiction is deeply circumscribed.

Brian McCullough, Helena, is there someone he can talk to about the reason for the differentiation between some districts on the timing of the shoulder season where they terminate prior to February 15? There is a variety of tools, such as either-sex elk hunting during the general season; having a second cow elk tag during the regular five-week season; game damage management hunts; why does the elk shoulder season, if it is one of those tools, have criteria identified for sunseting the opportunity even though the elk are in excess of objectives in those districts?

Chairman Vermillion stated he can talk to any of the regional wildlife supervisors, managers or John Vore; was all part of the compromise the Commission made with the public, sportsmen and landowners; that is how guidelines were created because it was a major departure.

Marlon Clapham, MBA, he has gotten comments for deer and elk for special draws; for example HD 250 allows 35 bull elk tags and HD 261 has 35 mule deer tags available; the ones that are being successful are the ones that do party hunts, and if they use their preference points, they get an opportunity to do five of these tags, so a whole family will put in as a party and draw these tags; would like to see it go for public comment that any HDs that have fewer than 75 tags available, you can't do party hunting like moose, sheep and goat. Moose, sheep and goat on the seven-year waiting period; got a lot of comments about going to a once in a lifetime harvest and other comments want to leave it as is; thought raising the seven-year waiting period to a ten-year waiting period; would like to see public comments about how people across the state feel on both issues.

Tom Fieber, Polson, representing wolf trappers, have been actively trapping wolves over the last five years; have put together a proposal of nine different changes to the trapping regulations; he met with employees on several different issues; the advice was to bring this to you at this meeting; still have four issues that we would like to have considered as this would be the last opportunity for the next two years: 1-The setback of 150 feet for the wolf traps; hope to have wolf setbacks consistent with all setback rules of 50 feet; this would also make enforcement more simplistic; must visually check our wolf traps every 48 hours; must walk to the traps to check and comply and this leaves more footprints by our traps; each year we are facing more trap thefts and sabotage; the 50 feet setback would allow us to visually check easily and conceal the trap by having no tracks to follow. 2-FWP managers did not want to change the 150 feet setback; there are several areas with restricted and special regulations already; the issue of dogs not being released are addressed by the 24-hour check time and the mandatory trap pegs, no dog would be in a trap for more than 48 hours; trappers are the last ones who want to trap a dog; requiring the whole state to be subject to the 150 feet setback is out of line with actual use; that was one of the issues we would like to look at. 3-The 10-lb tension on traps was instituted statewide and not sure why; you can't buy a trap at 10 lbs., have to modify the eight-pound traps to be at ten pounds; trying to maintain the tension is hard; the ten-pound tension would not prevent a dog from being caught. 4-No reason for prohibition of the use of road kill for bait; assumes this was through legislative action, not an FWP prohibition; currently meat rendered from salvaged animals must be used for human consumption; if meat is not salvageable for human consumption, couldn't it be used for bait in traps; use of snares in Montana, have dropped this issue because we don't think we would get a lot of support on that.

Larry Rattray, Proctor; the trappers are working for the state of Montana and for sportsmen and sportswomen by controlling the wolf population; Idaho estimates it costs nearly \$2,000 for each wolf that is shot from a helicopter; the trappers are saving the State about \$150,000 by maintaining the current wolf population; the setback of 150 feet by trappers is almost impossible to draw a wolf 150 feet off the road because they like to travel the roads; it would be to a trapper's advantage to do away with the 150 feet setback; seems wrong to handicap the trappers who are controlling the wolf population; wonders if wolves are dropping CWD prions on the landscape and transmitting CWD; trap tension is too hard to set, the conditions can change the tension, makes it hard for the wardens to enforce and the trappers to keep that tension. Chairman Vermillion thanked Coleen Furthmyre for her work over the years as the Commission Secretary; will still be working for the Department, but this is her last Commission Meeting.

Motion: Vice-Chairman Stuker moved and Chairman Vermillion seconded the motion to adjourn the meeting. Motion passed 5-0.

Meeting adjourned at 4:19 PM.

Dan Vermillion, Chairman

Martha Williams, Director